MONTANA LEGISLATIVE HISTORY

Chapter 461 ~~19~~ 2005

Bill H 60 S _____ Original bill & history X C

H. Committee on HUMAN SERVICES

Hearing Date(s)	1/24 X	C
EXEC. ACTION	2/7 X	C
	_____	C
	_____	C
Date Out	_____	C

S. Committee on PUBLIC HEALTH

Hearing Date(s) & EXEC. ACTION	3/30 X	C
	_____	C
	_____	C
	_____	C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

H. COMMITTEE ON APPROPRIATIONS

HEARING DATE 3/2 X

EXEC. ACTION 3/16 X

S. COMMITTEE ON FINANCE

↳ NO MINUTES

Bill Draft Number: LC0917
Bill Type - Number: HB 60
Short Title: Indoor cleanup standards for methamphetamine labs
Primary Sponsor: Christopher Harris

Bill Actions - **Current Bill Progress:** Became Law

Bill Action Count: 70

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/29/2005			
(H) Signed by Governor	04/28/2005			
(H) Transmitted to Governor	04/22/2005			
(S) Signed by President	04/22/2005			
(H) Signed by Speaker	04/21/2005			
(H) Returned from Enrolling	04/20/2005			
(C) Sent to Printing	04/20/2005			
(H) Sent to Enrolling	04/19/2005			
(H) 3rd Reading Passed as Amended by Senate	04/18/2005	85	14	
(H) On Motion Rules Suspended	04/18/2005			
(H) 2nd Reading Senate Amendments Concurred	04/18/2005	86	14	
(H) Scheduled for 2nd Reading	04/18/2005			
(H) Rules Suspended to Accept Late Return of Amended Bill	04/16/2005	87	7	
(S) Returned to House with Amendments	04/15/2005			
(S) 3rd Reading Concurred	04/15/2005	45	4	
(S) Scheduled for 3rd Reading	04/15/2005			
(S) Committee Report--Bill Concurred	04/15/2005			(S) Finance and Claims
(S) Committee Executive Action--Bill Concurred	04/15/2005	14	0	(S) Finance and Claims
(S) Hearing	04/11/2005			(S) Finance and Claims
(S) Taken from 2nd Reading; Rereferred to Committee	04/06/2005	50	0	(S) Finance and Claims
(S) 2nd Reading Concurred on Voice Vote	04/06/2005	48	2	
(S) 2nd Reading Motion to Amend Failed	04/06/2005	23	27	
(S) Scheduled for 2nd Reading	04/06/2005			
(S) Scheduled for 2nd Reading	04/05/2005			
(C) Sent to Printing	04/04/2005			
(S) Committee Report--Bill Concurred as Amended	04/04/2005			(S) Public Health, Welfare and Safety
(S) Committee Executive Action--Bill	04/04/2005	7	0	(S) Public Health, Welfare

Concurred as Amended				and Safety
(S) Hearing	03/30/2005			(S) Public Health, Welfare and Safety
(S) Referred to Committee	03/22/2005			(S) Public Health, Welfare and Safety
(S) First Reading	03/22/2005			
(H) Revised Fiscal Note Printed	03/22/2005			
(H) Transmitted to Senate	03/21/2005			
(H) 3rd Reading Passed	03/21/2005	72	28	
(H) Scheduled for 3rd Reading	03/21/2005			
(H) 2nd Reading Passed	03/19/2005	52	47	
(H) Scheduled for 2nd Reading	03/19/2005			
(C) Sent to Printing	03/17/2005			
(H) Committee Report--Bill Passed as Amended	03/17/2005			(H) Appropriations
(H) Committee Executive Action--Bill Passed as Amended	03/17/2005	17	3	(H) Appropriations
(H) Sponsor Fiscal Note Printed	03/11/2005			
(H) Sponsor Fiscal Note Received	03/11/2005			
(H) Hearing	03/02/2005			(H) Appropriations
(H) Rereferred to Committee	02/17/2005			(H) Appropriations
(H) 2nd Reading Passed	02/17/2005	89	10	
(H) Scheduled for 2nd Reading	02/17/2005			
(H) 2nd Reading Pass Consideration	02/16/2005			
(H) Scheduled for 2nd Reading	02/16/2005			
(H) Revised Fiscal Note Printed	02/14/2005			
(H) Revised Fiscal Note Received	02/14/2005			
(C) Sent to Printing	02/08/2005			
(H) Committee Report--Bill Passed as Amended	02/08/2005			(H) Human Services
(H) Committee Executive Action--Bill Passed as Amended	02/08/2005	16	0	(H) Human Services
(H) Revised Fiscal Note Requested	02/08/2005			
(H) Fiscal Note Printed	01/28/2005			
(H) Fiscal Note Received	01/27/2005			
(H) Hearing	01/24/2005			(H) Human Services
(H) Referred to Committee	12/27/2004			(H) Human Services
(C) Introduced Bill Text Available Electronically	12/08/2004			
(H) Introduced	12/08/2004			
(C) Pre-Introduction Letter Sent	12/06/2004			
(C) Draft in Assembly/Executive Director Review	12/05/2004			
(C) Draft in Final Drafter Review	12/03/2004			

(C) Bill Draft Text Available Electronically	12/02/2004
(C) Draft in Input/Proofing	12/02/2004
(C) Draft to Drafter - Edit Review [SAB]	12/02/2004
(C) Draft in Edit	12/02/2004
(C) Draft in Legal Review	12/01/2004
(C) Draft to Requester for Review	11/30/2004
(C) Draft to Requester for Review	11/18/2004
(C) Draft Request Received	11/15/2004

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name	Mi
Requester	Harris	Christopher	
Drafter	Kolman	Joe	
Primary Sponsor	Harris	Christopher	

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Buildings and Building Regulations		Simple	BUI
State/Other Government Levels, Immunity From Suit		2/3 of Each House	SGIS
Environmental Protection		Simple	ENVP

Additional Bill Information

Probable Fiscal Note: No
Preintroduction Required: N
Session Law Ch. Number: 461
DEADLINE
Category: Appropriation Bills
Transmittal Date: 03/30/2005
Return (with 2nd house amendments) Date: 04/14/2005

Section Effective Dates

Section(s)	Effective Date	Date Qualified
All Sections	01-OCT-05	

HOUSE BILL NO. 60

INTRODUCED BY C. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A DECONTAMINATION STANDARD FOR THE CLEANUP OF INDOOR PROPERTY CONTAMINATED BY THE CLANDESTINE MANUFACTURE OF METHAMPHETAMINE; AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE MINIMUM STANDARDS AND REQUIREMENTS FOR CERTIFYING PERSONS TO CONDUCT METHAMPHETAMINE LAB REMEDIATION ACTIVITIES; REQUIRING NOTICE TO SUBSEQUENT OCCUPANTS OF CONTAMINATED INHABITABLE PROPERTY UNDER CERTAIN CONDITIONS; PROVIDING REPORTING REQUIREMENTS; AND PROVIDING CIVIL IMMUNITY FOR STATE AND LOCAL OFFICIALS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Finding and purpose.** The legislature finds that some properties are being contaminated with hazardous chemical residues created by the manufacture of methamphetamine. Innocent members of the public may be harmed when they are unknowingly exposed to these residues if the properties are not decontaminated prior to any subsequent rental, sale, or use of the properties. Remediation of properties has been frustrated by the lack of a decontamination standard. The purpose of [sections 1 through 7] is to protect the public health, safety, and welfare by providing specific cleanup standards and authorizing the department to establish a voluntary program that will provide for a property decontamination process that will meet state standards.

NEW SECTION. **Section 2. Definitions.** Unless the context requires otherwise, in [sections 1 through 7], the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) (a) "Inhabitable property" means any building or structure that is intended to be primarily occupied by people, either as a dwelling or a business,

including a storage facility, mobile home, or recreational vehicle, that may be sold, leased, or rented for any length of time.

(b) The term does not mean any water system, sewer system, land, or water outside of a building or structure described in subsection (2)(a).

(3) "Surface material" means any porous or nonporous substance common to the interior of a building or structure, including but not limited to ceilings and walls, window coverings, floors and floor coverings, counters, furniture, heating and cooling duct work, and any other surfaces to which inhabitants of the building or structure may be exposed.

NEW SECTION. **Section 3. Decontamination standards -- samples.** (1) The decontamination standard for methamphetamine inside inhabitable property is less than or equal to 0.1 micrograms of methamphetamine per 100 square centimeters of surface material.

(2) (a) The department may by rule establish the number and locations of surface material samples to be collected based on the circumstances of the contamination and acceptable testing methods.

(b) In the absence of a rule described in subsection (2)(a), at least three samples must be collected from the surface material most likely to be contaminated at each property.

NEW SECTION. **Section 4. Contractor certification -- department authority.** (1) The department is authorized to establish by rule minimum standards for the training and certification of contractors and their employees who are to perform the remediation of inhabitable property contaminated by methamphetamine residues.

(2) The department may train and test or may approve courses to train and test contractors and their employees in the proper methods of assessing, remediating, and testing inhabitable property contaminated by methamphetamine residues. If the department conducts the training and testing of contractors and their employees, it may assess reasonable fees to cover the state's costs of providing the training and testing.

(3) The department shall establish by rule procedures for the certification of contractors and their employees, including procedures for the decertification of contractors and their employees for cause.

(4) Any contractor and the contractor's employees certified to perform the remediation of inhabitable property in any other state are approved for certification in Montana unless the department determines that the certification process in the other state is not substantially similar to the minimum certification standards established by the department.

(5) The department shall maintain a list of certified contractors and shall make the list available to local health officials, law enforcement officials, and the public.

NEW SECTION. **Section 5. Occupant notice by owner of inhabitable property.** An owner of inhabitable property that is known by the owner to have been used as a clandestine methamphetamine drug lab shall notify any subsequent occupant or purchaser of the inhabitable property of that fact unless the inhabitable property has been remediated to the standards established in [section 3] by a contractor who is certified in accordance with [section 4].

NEW SECTION. **Section 6. Reporting requirements.** (1) Whenever a state or local law enforcement agency becomes aware that an inhabitable property has been contaminated by its use as a clandestine methamphetamine drug lab, the agency shall report the contamination to the department and to the local health officer.

(2) The department shall maintain a list of inhabitable property that has been reported as contaminated, and the list must be made available to the public upon request except as provided in subsection (3).

(3) An inhabitable property that has been contaminated by its use as a clandestine methamphetamine drug lab must be removed from the list required in subsection (2) upon submittal of documentation by the owner of the inhabitable property to the department that the inhabitable property has been remediated to the standards established in [section 3] by a contractor who is certified in

accordance with [section 4]. The department shall notify the local health officer when the documentation shows that the inhabitable property has been properly remediated.

NEW SECTION. **Section 7. Civil liability -- immunity.** Employees of state and local law enforcement agencies, local health departments, and the department are immune from civil liability arising out of the performance of their duties under [sections 1 through 7] unless the performance constitutes gross negligence or intentional misconduct.

NEW SECTION. **Section 8. Codification instruction.** [Sections 1 through 7] are intended to be codified as an integral part of Title 50, and the provisions of Title 50 apply to [sections 1 through 7].

NEW SECTION. **Section 9. Two-thirds vote required -- contingent voidness.** Because [section 7] limits governmental liability, Article II, section 18, of the Montana constitution requires a vote of two-thirds of the members of each house of the legislature for passage. If [this act] is not approved by a vote of two-thirds of the members of each house of the legislature, then [section 7] is void.

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **VICE CHAIRMAN TOM FACEY**, on January 24, 2005 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Arlene Becker, Chairman (D)
Rep. Tom Facey, Vice Chairman (D)
Rep. Don Roberts, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Emelie Eaton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. William J. Jones (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Ron Stoker (R)
Rep. Pat Wagman (R)
Rep. Bill Warden (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 60, 1/18/2005; HB 340, 1/18/2005
Executive Action: HB 80, Do Pass; HB 127, Do Pass; HB 216, Do Pass As Amended; HB 255, Do Pass As Amended

had been given to DOJ. He didn't see the necessity of going to the taxpayers for this $250,000. **Mr. Batista** responded that any monies derived in the State are taken by the Federal Government. Most of the drug task forces in Montana are funded by federal dollars and these monies are used for personnel, not equipment. The funds have diminished because many of the meth dealers spend the money as fast as they make it. Concerning the $2 million, it had been used for public education.
{Tape: 1; Side: A; Approx. Time Counter: 26.3 - 29.5}

REP. BILL WARDEN asked Ms. Miles to elaborate on evidence-based solutions. **Ms. Miles** informed the committee that her experience was limited to the anti-smoking ordinance in Helena. People did feel that secondhand smoke was not good and the state was running an aggressive campaign against secondhand smoke. Because of that massive advertising campaign, the support for the ordinance was overwhelmingly in favor. She did not have any facts concerning advertising that had stopped young people from smoking.
{Tape: 1; Side: A; Approx. Time Counter: 29.5 - 32}

REP. MIKE MILBURN questioned the sponsor about the advisability of having this education program be part of the drug commissioner's reponsibilities. **REP. WISEMAN** felt that might be the right way to go. His understanding was that the drug commissioner would focus on treatment.
{Tape: 1; Side: B; Approx. Time Counter: 0 - 1.8}

Closing by Sponsor:

The sponsor closed.
{Tape: 1; Side: B; Approx. Time Counter: 1.8 - 4}

HEARING ON HB 60

Sponsor: REP. CHRISTOPHER HARRIS, HD 66, BOZEMAN

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS opened the hearing on **HB 60**. The bill would establish indoor cleanup standards for methamphetamine labs. The bill deals with the innocent property owner whose property has been used as a meth lab with subsequent contamination of the property. The Environmental Quality Council has held extensive meetings concerning this problem. If a property owner seeks help from the state, they may get sympathy but very little guidance or actual assistance. The government

has the power to condemn or quarantine a contaminated house or apartment, but there is no standard for decontamination in Montana. This bill would establish a very straight forward decontamination standard. There are at least eight states who have addressed this problem. They are Alaska, Arizona, Arkansas, Colorado, Minnesota, Tennessee, Washington, and Oregon. Other states are in the process of addressing this problem. The standards in HB 60 are identical to those in Alaska, Arizona, Tennessee and Washington. If one is a decontamination contractor, registered and licensed in other states, this bill would recognize that certification.
{Tape: 1; Side: B; Approx. Time Counter: 4 - 9.5}

Proponents' Testimony:

Dr. Todd Damrow, State Epidemiologist, DPHHS, stated that his agency is very pleased to have this bill brought forward. Public health officials frequently receive phone calls from distressed individuals who are concerned about health safety from indoor contamination resulting from methamphetamine. With no standards to go by, they cannot assure the caller that the removal of equipment and bulk materials by hazardous material workers (Haz-Mat) has resulted in their home being safe to reoccupy.
{Tape: 1; Side: B; Approx. Time Counter: 9.5 - 12.8}

Linda Stoll, Montana Local Health Officers Group, offered specific testimony from Gallatin County and Missoula County. Ellen Leahy from Missoula made two suggestions. One would be to have this program administered by the Department of Environmental Quality, rather than DPHHS. The other suggestion would be to have the standards in the administrative rules rather than in the statute itself. If it were in the administrative rules, that would allow for a more timely change as detection and clean up methodologies improve.
EXHIBIT(huh18a02)
EXHIBIT(huh18a03)
{Tape: 1; Side: B; Approx. Time Counter: 12.8 - 16.1}

Joan Miles, Director, Public Health Department, Lewis & Clark County, was very pleased that this bill had come forward. They receive calls and do not know what to tell people. Standards of decontamination are vital. The victims of this are homeowners and landlords. They need some protection. She handed in her testimony and an article on former meth houses.
EXHIBIT(huh18a04)
EXHIBIT(huh18a05)
{Tape: 1; Side: B; Approx. Time Counter: 16.1 - 22.9}

Mike Batista, Administrator, Division of Criminal Investigation, Department of Justice (DOJ), supported the bill. They have been involved for the past twelve years investigating meth labs in the state. They have learned much about the toxicity of the chemicals being used. They have dismantled meth labs and hired contractors to remove the chemicals. They then send a letter to the County Clerk and Recorder to let the property owner know that there was a meth lab on their property; but, they did not have any advise to give them. HB 60 is a good place to start. The state needs guidelines on how to clean up and guidelines to show when a property has been thoroughly decontaminated. These guidelines have not been forthcoming from the federal level.
{Tape: 1; Side: B; Approx. Time Counter: 22.9 - 26.5}

Pam Bucy, Assistant Attorney General, Department of Justice (DOJ), agreed with the Health Department from Missoula in that meth labs are a moving target. She felt the standards should be put in the administrative rules where they could more quickly respond to changes in technology and information received. She addressed the issue of property owners being notified about a meth lab on their property. By notifying the Clerk and Recorder, this information becomes a lien on the person's property. At this point, though, there is no way that this lien can be removed. This is a serious public safety issue. She urged a do pass.
{Tape: 1; Side: B; Approx. Time Counter: 26.5 - 30}

Jim Kembel, Montana Association of Chiefs of Police, stood in strong support of the bill.
{Tape: 2; Side: A; Approx. Time Counter: 0 - 0.8}

Jim Smith, Montana Sheriffs' and Peace Officers' Association and Montana County Attorneys' Association, stated that his associations were in strong support of HB 60. He had two pamphlets for the committee.
EXHIBIT(huh18a06)
EXHIBIT(huh18a07)
{Tape: 2; Side: A; Approx. Time Counter: 0.8 - 2.9}

Chris Christiaens, Montana Landlord Association (MLA), informed the committee that Montana landlords have over 10,000 rental units across the state. HB 60 is good but he gave the committee some amendments to make the bill better. Landlords need the standards and guidelines for clean up. Property and casualty insurance will not come in and assist with the clean up of a meth lab unless there has been an explosion or fire. He encouraged the committee to have the Department of Environmental Quality be in charge, rather than DPHHS. Law enforcement needs to do a better job of informing the landlord of the types of chemicals,

etc. that have been taken from their property. The issue of liens is problematic. Landlords do not know how to get that lien lifted. Mr. Christiaens felt that a fiscal note should be with the bill. Money is needed for training and for people to oversee that requirements are being met.
EXHIBIT(huh18a08)
{Tape: 2; Side: A; Approx. Time Counter: 2.9 - 11.8}

Brian McCullough, Landlord, Helena, gave his testimony and suggested some changes to the bill. He was somewhat supportive of the bill.
EXHIBIT(huh18a09)
{Tape: 2; Side: A; Approx. Time Counter: 11.8 - 21.2}

Opponents' Testimony:

Glenn Oppel, Montana Association of Realtors, handed in his testimony. He was a reluctant opponent. Something needs to be done about the meth labs and how it affects home owners and landlords. He did not feel the bill adequately dealt with this issue.
EXHIBIT(huh18a10)
{Tape: 2; Side: A; Approx. Time Counter: 21.2 - 25}

Informational Testimony:

Ed Thamke, Montana Department of Environmental Quality (DEQ), stated that his Department is remaining neutral on this bill; but after hearing some of the potential amendments and some of the issues that were brought up, he wanted to inform the committee about DEQ's role in this issue. They support REP. HARRIS' efforts. There is a reason for the debate surrounding health issues. DPHHS is the more natural choice because of the indoor qualities associated with these meth labs. Most states administer their methamphetamine programs through their health agencies. DEQ does have a role and has participated in the process. They receive complaints and notifications of meth lab busts. When notified of a bust, they work with the appropriate entities and the property owner to see if the outdoor environment has been impacted. DEQ has no statutory authority for indoor air quality or inside a person's residence.
{Tape: 2; Side: A; Approx. Time Counter: 25 - 27.7}

Questions from Committee Members and Responses:

REP. JONATHAN WINDY BOY inquired of the sponsor if he would be open to an amendment that would include outside contamination.

REP. HARRIS thought it might be possible, but it might also make the bill too complicated.
{Tape: 2; Side: A; Approx. Time Counter: 27.7 - 32}

REP. DON ROBERTS asked if low-income rental property would decline if people were afraid to take the risk of buying property and then having that property used as a meth lab. **REP. HARRIS** heard in 2001 from landlords about property they had, but was now unrentable and unsaleable. It was a real dilemma for them.

REP. ROBERTS wanted to know if the State of Washington was pleased with the results of their meth laws. **REP. HARRIS** said they were very confident that the standards they were using were working well.

REP. TOM MCGILLVRAY inquired if homes or apartments were cleaned up according to HB 60 standards, would they be removed from the uninhabitable list according to Section 6, Line 14. **REP. HARRIS** responded that HB 60 was designed to be self-implementing with as little expenditure as possible.
{Tape: 2; Side: B; Approx. Time Counter: 0 - 4.8}

REP. GORDON HENDRICK asked if there would be any protection for a property owner's surrounding land in HB 60. **REP. HARRIS** explained that under his bill, property owners could get their property cleaned up, at their own expense, and have their property removed from the uninhabitable list. But, if the property in question is contaminated outside, HB 60 does not address that issue.
{Tape: 2; Side: B; Approx. Time Counter: 4.8 - 7.2}

REP. RON STOKER questioned the possibility of a contractor setting his own standards for clean up. **REP. HARRIS** reiterated that the language in the bill states: "The inhabitable property has been remediated to the standards established in Section 3." The contractor does not have the ability to vary from those standards.
{Tape: 2; Side: B; Approx. Time Counter: 7.2 - 9.4}

REP. TOM FACEY asked if other harmful chemicals were addressed in HB 60. **REP. HARRIS** had learned that meth residue, if cleaned up to the HB 60 standards, was an excellent surrogate for other chemicals.

REP. FACEY followed up with a question about language on Page 3, Line 3. **REP. HARRIS** explained the language to REP. FACEY'S satisfaction.
{Tape: 2; Side: B; Approx. Time Counter: 9.4 - 13.1}

Closing by Sponsor:

REP. HARRIS addressed some of the points that were raised. He had no problems with changing the standards if there were better standards put forward. Funding, as currently written, is for rule making and training. HB 60 does not address putting a lien on a property. Montana companies can get certified either by taking the course in Oregon, etc. or if DPHHS offered a training course. He urged passage of the bill now so Montana would have something to go by.
{Tape: 2; Side: B; Approx. Time Counter: 11.9 - 17.2}

EXECUTIVE ACTION ON HB 216

Motion: REP. ROBERTS moved that HB 216 DO PASS.

Motion: REP. CAFERRO moved that HB 216 BE AMENDED. EXHIBIT(huh18a11)

Discussion:

Susan Fox, Legislative Staffer, explained the amendments.

Vote: Motion carried 16-0 by voice vote.

Motion/Vote: REP. CAFERRO moved that HB 216 DO PASS AS AMENDED. Motion carried unanimously, 16-0 by voice vote.
{Tape: 2; Side: B; Approx. Time Counter: 17.2 - 22.6}

EXECUTIVE ACTION ON HB 80

Motion/Vote: REP. ROBERTS moved that HB 80 DO PASS. Motion carried unanimously, 16-0 by voice vote.

Motion/Vote: REP. FACEY moved that HB 80 be put on the Consent Calendar. Motion failed 10-6 with REPS. HENDRICK, JONES, MCGILLVRAY, ROBERTS, STOKER, and WAGMAN voting no by voice vote.
{Tape: 2; Side: B; Approx. Time Counter: 22.6 - 26}

EXHIBIT 2
DATE 1-24-05
HB HB 60

"Committed to the protection and promotion of public health"

Gallatin City-County Health Department

To: House Human Services Committee
Rep. Arlene Becker, Chair

From: Stephanie Nelson, Health Officer
Gallatin City-County Health Department

Date: January 24, 2005

Re: Testimony House Bill No. 60

As the Health Officer for Gallatin County, I am writing in support of House Bill 60. I appreciate Rep. Harris bringing this bill forward and the opportunity for this difficult issue to be discussed.

The question as to the actual risks to health is a hard one to answer. The data is just not available as to the number of individuals getting sick from these environments. There is a tremendous amount of science to back a reasonable assumption that the potential is real, especially in our most vulnerable population, children. House Bill 60 ensures an informed public and standards for clean up. It is a good first step in addressing this multi faceted problem.

EXHIBIT 3
DATE 1-24-05
HB HB 60

MISSOULA COUNTY

MISSOULA CITY-COUNTY HEALTH DEPARTMENT
HEALTH ADMINISTRATION
301 WEST ALDER
MISSOULA, MONTANA 59802-4123
(406) 258-4770 FAX # (406) 258-4857

January 21, 2005

Representative Arlene Becker, Chair
House Human Services Committee
Montana Legislature

Honorable Representative Becker:

I write in SUPPORT OF HB 60, "Indoor Clean-up Standards for Methamphetamine Labs" sponsored by Representative Harris.

This bill represents a good start by setting a standard for clean-up and providing a means of public information about contaminated and cleaned-up sites. I appreciate that the bill keeps local health departments in the information loop, but does not create a mandate at the local level for which there would be no resources or extremely varying resources across the state's many counties.

I suggest, however, that the bill be administered by Department of Environmental Quality (DEQ) rather than Department of Public Health and Human Services (DPHHS) as DEQ staff has the technical expertise for this work and is provided appropriate scientific oversight and formal public review by the Board of Environmental Review (BER).

I also suggest that the standard proposed, although it currently represents an appropriate level scientifically and environmentally, be provided for in administrative rules (ARM) rather than in the statute itself. This ARM mechanism allows the standard a means to more timely change as detection and clean-up methodologies improve.

Thank you for your consideration of my testimony.

Sincerely,

Ellen Leahy
Health Officer

Cc Representatives Facey, Henry, Harris
Susan Fox

LEWIS & CLARK CITY-COUNTY
Health Department

1930 Ninth Avenue
Helena, MT 59601
PH: 406.4HEALTH or 406.443.2584
Fax: 406.457.8990

EXHIBIT 4
DATE 1-24-05
HB HB 60

House Human Services Committee
Rep. Arlene Becker, Chair January 24, 2005

Madame Chairwoman, Members of the Committee. For the record, I am Joan Miles, Director of the Lewis & Clark City County Health Department. Thank you for the opportunity to testify in support of HB 60.

As you have heard, this is an issue the Environmental Quality Council studied quite extensively during the interim and this proposal died on a tie vote in the Council. We appreciate Rep. Harris bringing this bill forward and providing the opportunity to have this debate before the Legislature. This is an extremely difficult issue, and you will probably hear as many opinions on this issue as there are people in this room.

Local public health agencies are frequently faced with calls from the public about whether it is safe to occupy former meth labs. Right now, we have no consistent statewide policy to base a response on. There are no requirements to notify the public about properties used for meth labs. We have no way to assess contamination and potential public health risks. We don't know what chemicals might be present or what levels of particular by-products might pose health risks. We DO know, however, that many of the by-products and residuals of the meth cooking process are highly toxic and carcinogenic. Depending on concentrations, these chemicals can cause cancer, short-term or permanent brain damage and immune and respiratory system problems. And we know that these residuals can soak into rugs, furniture, walls, plaster, window coverings, etc. That is why so many other states that have seen a proliferation of meth labs, most notably Washington, Minnesota, Kansas, Missouri, Wisconsin, and most recently Arizona and Oregon have established either statewide guidelines or mandatory cleanup standards.

The only requirement in HB 60 is that subsequent occupants be notified that the property was used as a meth lab. Cleanup measures are entirely voluntary and allow a property owner to remove a property from the list of known meth labs if the standard is met. We believe this bill is an important first step in addressing this problem and will provide an important measure of protection to the public. We also believe it reflects manageable responsibilities for DPHHS as well as local health departments.

There are, however, some important things that are not in this bill. We appreciate DPHHS' willingness to take the lead on addressing this issue. However, as we mentioned consistently before the EQC, we believe the program should be administered by DEQ, the agency has the technical expertise and training to deal with chemical contaminants. Also, DEQ is provided appropriate scientific oversight and public review through the Board of Environmental Review. HB 60 is also silent on the issue of funding for the state agency role. This is a significant program that requires dedicated funding if DPHHS (or DEQ) is to manage the program successfully. Finally, I believe the Legislature needs to consider some sort of victim's fund or compensation for affected property owners. Meth labs pose a severe hardship on landlords and other property owners, such as motel owners, and this financial burden has led to covering up problems rather than cleaning them up.

We urge the Legislature to consider this problem very carefully and to support some sort of clean-up policy for the state. This is a difficult problem for property owners and local governments – and only stands to get worse as we unfortunately see the manufacture and use of meth increasing in our communities. It is critical that we take steps <u>now</u> to address this problem and establish consistent guidance on this issue. HB 60 represents an important, relatively simple first step that will protect not only the unsuspecting public but the property owners who are victimized by this insidious problem.

Thank you.

"To Improve and Protect the Health of All Lewis and Clark County Residents."

EXHIBIT 5
DATE 1-24-05
HB HB 60

White Lies
Methamphetamine

A special section
brought to you by:
Prescott Valley Tribune

To send an email to writer, click below

Reporter:
Art Merrill
Prescott Valley Tribune

(Editor's note: This is the next to the last article in a Prescott Valley Tribune series about methamphetamine abuse in the community and surrounding areas. Due to careful research and to the Sept. 11 terrorism attacks, we have waited to run the final article in this series).

Drug's promises are inevitable problems

Meth addicts flood courts, tax-paid rehab

Making meth is easy, dangerous, and widespread

Former meth houses create "buyer beware" situation

The "American dream" turned into a health nightmare for a Prescott Valley couple who bought a home that had been a meth lab for nearly a year.

Family members said they began suffering from daily headaches and nausea soon after moving into the house. The three small children complained of dizziness, and none of them slept well. They didn't understand what was happening to them until neighbors told them a narcotics task force had twice raided the home as an active meth lab.

HOME RAIDED TWICE

According to Yavapai County Attorney records, PANT (Prescott Area Narcotics Task Force) raided the Prescott Valley home on Sept. 12, 1999, and arrested the resident, then-39-year-old Joseph Leon Kroczewski. Officers immediately noted a "strong chemical smell" when they entered the residence, and saw "a number of air circulating fans located in the windows of the residence" blowing air out of the home, according to the official report of the incident. They opened the windows and evacuated the residence until a DPS Hazardous Material Unit officer and an Explosives Disposal Unit officer sampled the air and deemed it safe enough to go back inside.

Kroczewski, who told officers he had been "cooking" methamphetamine during the night, had been asleep, wearing chemical-stained clothing, and with chemical-stained hands, when PANT entered just after 6 a.m. with the search warrant. PANT asked a Central Yavapai Fire District crew to

Meth labs pose HAZMAT risk to others

Readers respond to meth series

Former meth houses create "buyer beware" situation

Disclosure laws on meth labs say both 'no' and 'yes'

Beating meth addicition is daily victory for former user

OPINION:
Meth use: A 'victimless crime' that robs us all

LINKS:
Informative links about drug use

LETTERS:
Read letters and responses

call 772-1212
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"decontaminate" Kroczewski in the back yard, apparently with a cold water wash from a fire hose.

PANT confiscated from the residence a large quantity of "lab" equipment and hazardous chemicals used for making meth; much of the equipment still contained chemicals from the meth making process. PANT also found about six grams of methamphetamine, roughly 24 quarter-gram dosages.

According to the report, Kroczewski told PANT officers, "I cook for my own personal use...it is cheaper than buying it." However, other information in the report indicates Kroczewski manufactured an ounce or two of methamphetamine at a time. One ounce of meth is 114 quarter-gram dosages, according to PANT, far more than what courts consider a "user quantity."

The report also states that Kroczewski "cooked" meth "every other day except for Tuesdays and Thursdays..." and that he "claims to make the best stuff around..."

Kroczewski admitted "that he had been involved in the manufacture of methamphetamine for six to eight months."

In the police report, Kroczewski told officers he dumped his meth- making chemical waste in the back yard and down the sink. "Kroczewski stated that the chemicals were so bad that they ate through the plumbing fixtures in the master bedroom (bathroom)," the report reads. PANT confiscated a piece of the home's plumbing as evidence.

The report states Kroczewski made meth in both the kitchen and in the master bedroom bathroom, but PANT found meth manufacturing materials and related drug paraphernalia in essentially every room in the house. Officers also found three piles of "waste material" in the backyard; they removed samples for testing.

Officers cataloged 80 pieces of evidence they found in the residence, including containers for chemicals used to make methamphetamine.

PANT charged Kroczewski with manufacture, sale, and possession of dangerous drugs and possession of equipment for manufacturing dangerous drugs, and for possession of drug paraphernalia. Because they found four firearms in the home, officers also charged him with possession of weapons in the commission of a drug offense.

Kroczewski apparently used his home as bond collateral to

the Prescott Valley Tribune

To return to the Prescott Valley Tribune click HERE

To return to White Lies; Methamphetamine click HERE

get out of jail while awaiting trial. Exactly 10 months later, July 12, 2000, PANT returned to execute another search warrant, on suspicion that Kroczewski was still manufacturing meth at the residence. Again police arrested Kroczewski on charges of possessing equipment and chemicals for manufacturing methamphetamine, and for possession of drug paraphernalia.

The formerly talkative Kroczewski refused to speak with PANT officers in the second arrest. On Oct. 19, 2000, a Yavapai County judge convicted Krocewski of all charges in both arrests, and sentenced him to five years in prison and five years on probation for all offenses. He also levied a $5,310 fine. Krocewski remains in state prison in Yuma.

CHEMICALS STILL IN HOME

Manufacturing methamphetamine involves the mixing and discarding of a variety of toxic chemicals, including lye, acetone, muriatic acid, battery acid, white gas (Coleman fuel), red phosphorous, and crystal iodine.

The woman who now lives in the home is convinced her family's symptoms are the result of breathing toxic vapors still in the house from the meth manufacturing.

"The lawyers I talked to all told me the same thing. They said, 'You could die in that house, and the agents and the seller would be protected by state law.'"

- A woman, who along with her children, became ill after moving into a newly purchased PV home. She says real estate agents did not tell her that her home had served as a methamphetamine lab for eight months.

"I got on the phone to about eight different attorneys, four industrial hygienists, and an environmental laboratory," she said.

The woman said industrial hygienists told her that, especially in a home where someone allegedly made meth several days each week for six to eight months, new paint and new carpets would do little to alleviate the hazard.

"They said the wood cupboards in the house absorbed the chemical fumes and 'sweat' them back out, and we inhale the chemicals. I learned the crystal iodine and the red phosphorous can cause brain damage and behavior problems.

"The lawyers I talked to all told me the same thing. They said, 'You could die in that house, and the agents and the seller would be protected by state law,'" she said.

NO DISCLOSURE LAW?

The woman said neither the real estate agents nor the seller revealed the home had been a meth lab before they moved in.

The buyer's agent for the PV home told the Tribune he didn't know about the meth lab; the seller's agent said state law prohibited him from revealing that information to the buyer. The seller did not return a phone call from the Tribune.

"There's a law, that we can't really say anything about that at this time," the seller's agent said. "The 'stigmatization law' does not allow the seller's agent to disclose anything that would stigmatize the seller's property."

He later said that, after consulting with Arizona Association of Realtors, which he described as "an attorney's office that assists realtors in legal matters," that he had done "everything according to the law" regarding disclosure. He identified that law as Arizona Revised Statute 32-2156. He declined any further comment.

Alice Martin, Executive Vice President of Arizona Association of Realtors, said the agent is "not entirely correct."

"The stigmatization law gets twisted," Martin said. "Under the law the agent CAN disclose that a felony occurred on the property, but he doesn't HAVE to, and he can't get in trouble if he decides not to."

Martin said the Association is a "trade organization" for realtors, with a code of ethics to which it requires members to conform- not a legal counsel for realtors. The agent did not violate ethics in not disclosing the home he sold had twice been a meth lab, she said.

ARS 32-2126 states, in part:

"A. No criminal, civil, or administrative action may be brought against a transferor or lessor of real property or a licensee for failing to disclose that the property being transferred or leased is or has been:

1. **The site of a natural death, suicide or homicide or any other crime classified as a felony.**
2. **Owned or occupied by a person exposed to the human immunodeficiency virus or diagnosed as having acquired immune deficiency syndrome or any other disease that is not known to be transmitted through**

common occupancy of real estate.

3. Located in the vicinity of a sex offender.

B. Failing to disclose any fact or suspicion asset forth in subsection A shall not be grounds for termination or rescission of any transaction in which real property has been or will be transferred or leased."

The state Department of Real Estate, however, says Arizona Administrative Code, which regulates real estate transactions and "carries the weight of law" requires real estate agents to disclose any health risks, including the manufacture of methamphetamine in a home (see accompanying report).

Yavapai County Chief Administrative Deputy County Attorney Dennis McGrane said ARS 32-2156 does not prohibit agents from revealing to a potential homebuyer the fact that a felony - such as operating a meth lab - took place in the home. The statute, rather, prohibits homebuyers from suing the real estate agent that does not disclose the fact a felony took place in the home.

"Perhaps some other statute prohibits the agent from 'stigmatizing' the seller's property, but it isn't this one," he said.

McGrane also said that, if they conflict, Arizona Revised Statutes take precedence over Arizona Administrative Codes.

"It's a progression of authority, and the state statute trumps the state code," he said. "But a judge might not find that they conflict."

RISK IS REAL

"I have heard of this kind of thing before, and I'm not entirely surprised," said Drug Enforcement Agency Special Agent Jim Molesa. "Should the realtor have disclosed the information that the home had been a meth lab? Absolutely. When DEA cleans a house we post a note on the property that says, 'We were here.' It advises of the dangers and that we did our best at cleaning up, but that the long term effects of the chemicals on the property are still unknown and any risk you take is your own."

PANT also posts a notice on the property when it raids meth lab homes in Yavapai County.

"We post a big orange sticker that advises we found a clan lab (clandestine laboratory) there, that we found hazardous chemicals, and provides a phone number to call with any

questions," said PANT Sergeant Pete Hodap. "I remember that particular house in Prescott Valley; we posted the sticker on the garage door."

Hodap said PANT removes all meth lab equipment during its investigation, as well as all chemicals associated with manufacturing methamphetamine.

"We take all the chemicals, even if they have legitimate uses, like acetone and Coleman fuel," he said.

Hodap said he doesn't believe PANT has any authority to order any additional cleanup.

"As far as any other cleanup, we've never ordered any," he said. "We have no way of measuring how much of the chemicals might have gotten into the walls or ceilings."

Law enforcement and health officials are clearly concerned about the health risks associated with entering scenes of methamphetamine manufacture. Science does not clearly understand yet the long-term effects of continued exposure to meth lab chemicals; for that reason, Molesa said, doctors keep close tabs on some DEA agents.

"As a classic example, everybody in DEA clandestine lab task forces must have annual physical checkups," he said. "They're especially looking at blood and respiratory ailments. I'll be getting these annual checkups until I retire from DEA."

DEA sometimes takes extreme measures in decontaminating a home, Molesa said.

"It's not uncommon for us to take out ceilings, walls, and carpets if they're contaminated," he said. "There's a lot of airborne acids in methamphetamine manufacture, and they grab onto walls and carpeting."

According to state Attorney General Director of Legislative Affairs Mike Haener, the health risk to the Prescott Valley family is very real.

EXPERT CLEANUP RENDERS HOMES SAFE

"We've had children test positive for meth chemicals in their blood after moving into houses that had meth labs in there," Haener said.

"Most people exposed to meth lab chemicals complain of

chest or throat irritations, so we're most worried about kids who are asthmatic," said Tucson medical toxicologist Dr. Jeff Burgess, who studies the effects of the chemicals on law enforcement officers who are routinely exposed to meth labs. "You have to examine each case by itself. We're all exposed to iodine, which is commonly added to table salt, and is used for purifying water. Iodine in low concentrations is not unhealthy, but in higher concentrations can be irritating and caustic."

Similarly, Burgess said, red phosphorous is "not that toxic" in very low concentrations. There is more danger, he said, in heating red phosphorous, converting it into yellow or white phosphorous, which burns in the air. The military typically uses white phosphorous in grenades, bombs, and artillery shells to destroy targets with very hot fires.

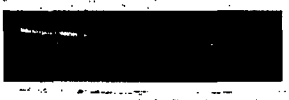
"I do believe some chemicals can remain if a meth lab is not cleaned up properly, and it's a good idea to take out anything permeable. Anything with a porous surface should be replaced; you can use a detergent cleaner to clean anything else. Replacing the carpet and drapes is a good start. Anything that is stained by direct contact with the meth making chemicals should be replaced, especially countertops where you prepare foods. Those are easily replaced, anyway."

Burgess said home sellers "absolutely" should disclose the presence of a former meth lab on the property.

"People should know so that they can check for (chemicals) themselves. Due to the fact that the state has no minimum standards for cleanup, that makes sense.

There is a potential health risk if you haven't properly cleaned up. There is no perfect way of knowing when something is contaminated," Burgess said. "I recommend a house that has been used as a meth lab be cleaned by a company experienced in chemical cleanup. You need someone who is familiar with chemical contamination to say it's clean."

(Contact Art Merrill at 772-2679 or email at amerrill@prescottaz.com)



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Montana State Legislature

Exhibit Number: 6

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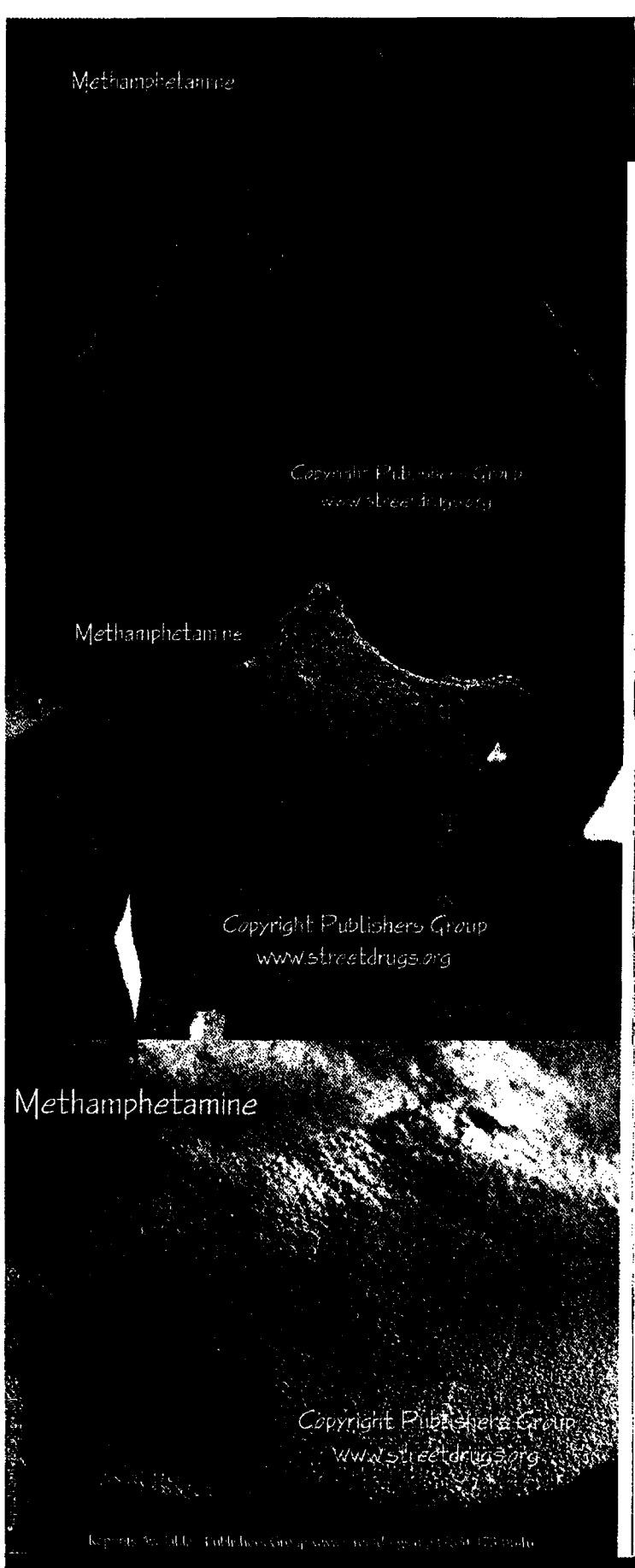

METH LABS

EXHIBIT 6
DATE 1-24-05
HB 60

Fall 2003

Emergency Responder

MONTANA
DEPARTMENT OF JUSTICE
DIVISION OF CRIMINAL INVESTIGATION

DIVISION OF CRIMINAL INVESTIGATION

DCI - Billings	(406) 896-4377
DCI - Butte	(406) 723-7461
DCI - Miles City	(406) 874-3362
DCI - Missoula	(406) 329-1450

U.S. DRUG ENFORCEMENT ADMINISTRATION

DEA - Billings	(406) 657-6020

This publication was supported by funding through the COPS Methamphetamine Initiative.

Montana State Legislature

Exhibit Number: 7

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Meth Lab Dump Site

For every pound of methamphetamine produced or attempted, approximately six pounds of toxic waste remains to contaminate the environment.

Fires are a common occurrence with meth labs.

Reprints available - Publishers Group (763) 473-0646 - www.streetdrugs.org
Personalize with your company logo, phone number etc.

Item 1006

Methamphetamine Labs

EXHIBIT 7
DATE 1-24-05
HB HB 60

Fall 2003

Neighborhood Resource Guide

MONTANA
DEPARTMENT OF JUSTICE
DIVISION OF CRIMINAL INVESTIGATION

DIVISION OF CRIMINAL INVESTIGATION

DCI - Billings	(406) 896-4377
DCI - Butte	(406) 723-7461
DCI - Miles City	(406) 874-3362
DCI - Missoula	(406) 329-1450

U.S. DRUG ENFORCEMENT ADMINISTRATION

DEA - Billings	(406) 657-6020

This publication was supported by funding through the COPS Methamphetamine Initiative.

EXHIBIT 8
DATE 1-24-05
HB HB 60

The Montana Landlord's Association recommends the following amendments to this bill:

Section 1. The legislature finds that some properties May Be contaminated.

Section 2. There needs to be a definition of Methamphetamine.

Section 5 Drug lab _and has been determined by the department testing to be contaminated- shall notify any subsequent occupant…

Section 6. (1)…Becomes aware that the property has been—confirmed by testing by the department to be---- contaminated by its use as a… (Delete language of – the agency shall report the contamination to the department and to the local health officer.)

(2)…delete (has been reported) has had testing that confirmed the property is contaminated and has not been remediated,

(3).... Contaminated by its use (as confirmed by testing by the department) as a clandestine....
....in (section3) by a qualified contractor who is certified in accordance with (section4) (new language—or by the property owner and tested to be remediated. The department shall formulate rules to describe when the property owner can do the remediation.)

New section7.... Intentional misconduct (and testing is completed and reported to the property owner within 7 business days of law enforcements removal of suspected meth lab and within 7 business days of when the property owner deems that the remediation is complete.)

EXHIBIT 9
DATE 1-24-05
HB HB 60

Brian McCullough 1/24/2005

HB 60

Contamination of Property – Test must be completed before any property is placed on a list of contaminated property.

Proof of contamination must be timely – Residential rental property is a business. Tests for contamination must be completed timely. Timely would be 7 business days after a governmental entity including law enforcement suspects that a property may be contaminated.

Contamination – What level of contamination is serious. 2nd hand smoke is life threatening and should also is part of any legislation like this. 2nd hand smoke has been proven in Montana to be cause heart attacks. Property that has had a meth Lab in it has not been proven to have life threatening contamination after the property has been ventilated and the meth lab and ingredients have been removed, that I am aware of.

Meth Watch Partnership – Law enforcement says they are a partner with property owners but law enforcement does not want to share the proceeds from the sale of confiscated property that could be used to pay for testing and or rehabilitation if a property is found to be contaminated. Law enforcements actions on this issue do not support their words.

Contaminated property list – If a list of contaminated properties is maintained by a state agency, once the property has been found to no longer be reported to anyone as ever being contaminated.

Liability – If any local government or governmental agency publicizes or informs anyone that a property is contaminated when it is not or does not provide timely testing to identify whether a property is contaminated, that governmental entity is liable for all damages incurred by the property owner and for attorney fees incurred to enforce the remedy.

EXHIBIT 10
DATE 1-24-05
HB HB 60

Opponent Testimony
HB 60, Human Services Committee, 1-24, 3:00 p.m.

Glenn Oppel, Government Affairs Director
Montana Association of REALTORS®
208 N. Montana Ave., Ste. 203, Helena, MT 59601

On behalf of the Montana Association of REALTORS® and its 3800 member, I rise as a reluctant opponent of HB 60.

We realize that meth is a complex issue. Like Montana, states around the nation are working hard to craft public policy to stop the proliferation of meth labs in their rural and urban communities. Unfortunately, a best practices consensus has not been reached despite all the hard work. That's why we don't envy Representative Harris in trying to address the issue of meth lab disclosure and cleanup in Montana. We certainly applaud his efforts.

Although this bill tries hard to address the scope of issues surrounding meth lab disclosure and cleanup, it has some serious shortcomings that we'd like to highlight.

- The liability associated with this issue is enormous. We believe that under REALTOR® licensing law that we have the duty to disclose any adverse material facts associated with a property. This would include the presence of a meth lab on a property. But it's unclear to us whether we are to disclose the presence of a meth lab on a property even after it has been decontaminated. This bill does not address this concern and therefore exposes our members to potential liability.

- HB 60 provides a process for internal clean up but doesn't address the external impact of meth on sewer systems, water, and land. In fact, the bill's definition of "inhabitable property" doesn't include water systems, sewer systems, land or water outside of a building or structure. Even if a meth lab is decontaminated internally, there may still exist external impacts that could be a threat to both the individual property owner and public health.

  This aspect of decontamination deserves more attention. If meth disclosure and cleanup legislation only addresses internal decontamination, what sort of legal ramifications could there be if an individual property owner or the public is harmed by toxins dumped outside of the building or into the sewer system? Could failure to disclose that a property may have external contamination expose REALTORS® to additional liability?

- Another shortcoming of the bill is that it places the onus of reporting and cleaning up meth labs on property owners. HB 60 doesn't provide any protection to property owners that aren't aware of a clandestine meth lab. This bill also places the cost of cleaning up a meth lab solely on the shoulders of a property owner. The clean up of a meth lab, according to various articles that I've read, can cost from $5000 to $10000. This cost doesn't factor in the amount of time a property lies idle. We can safely assume that the cost of cleaning up a meth lab, in addition to the lost income from an idle rental, would be passed on to other renters.

  The critical question you must ask yourselves is this: given the public interest in controlling clandestine meth labs, shouldn't the public bear some of the costs associated with clean up?

Again, we acknowledge the complexity of this issue. That's why we applaud Representative Harris's efforts. Unfortunately, because the various shortcomings we've listed, we ask you to oppose this bill. We would like to make ourselves available to any effort to craft a better approach to tackling this critical issue.

Thank you for your time and consideration.

HOUSE OF REPRESENTATIVES
Roll Call
HUMAN SERVICES COMMITTEE

DATE 1-24-05

NAME	PRESENT	ABSENT	EXCUSED
REP. ARLENE BECKER, CHAIR			X
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		

Montana House of Representatives
Visitors Register

HUMAN SERVICES COMMITTEE **Date** 1/24/05

Bill No. HB60 **Sponsor(s)** Rep. C. Harris

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Jim Kembel	MT ASSOCIATION of Chiefs of Police	X		
Glenn Oppel	MT Assoc. Realtors		X	
Brian McCullough	SEIA		X	
KATHLEEN DOUGHTY	MT Nurses Assn	X	X	
Todd Damrow	DPHHS	X		
BRUCE DEITLE	DPHHS	✓		
Joan Miles	L+C Health	X		
Chris Christiansen	MT Landlord Ass	X		
LINDA STOLL	MT LOCAL HEALTH OFFICERS GROUP	✓		
Pam Bury	DOC	✓		
Ed Mahlke	DEQ			✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/HumServVisitorReg.sample2003

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN ARLENE BECKER**, on February 7, 2005 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Arlene Becker, Chairman (D)
Rep. Tom Facey, Vice Chairman (D)
Rep. Don Roberts, Vice Chairman (R)
Rep. Mary Caferro (D)
Rep. Emelie Eaton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. William J. Jones (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Ron Stoker (R)
Rep. Pat Wagman (R)
Rep. Bill Warden (R)
Rep. Jonathan Windy Boy (D)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Mary Gay Wells, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:

Executive Action:
HB 60, Do Pass As Amended
HB 452, Do Pass As Amended
HB 358, Tabled
HB 462, Tie Vote

EXECUTIVE ACTION ON HB 60

Motion: REP. NOONAN moved that HB 60 DO PASS.

Discussion:

REP. NOONAN reported on the subcommittee for HB 60. They had come up with a solution. REP. HARRIS provided a list of amendments that solved both the question from the realtors and solved the question of which department should be in charge of methamphetamine cleanup. The Department of Environmental Quality (DEQ) was the best department to be in charge. REP. STOKER also had a couple of amendments.

Motion: REP. NOONAN moved that HB 60 BE AMENDED. EXHIBIT(huh30a01)

Discussion:

Ms. Fox, Legislative Staffer, explained the amendments. Amendment Number 2 stated that DEQ would replace the Department of Health and Human Services (DPHHS). Amendment Number 3 and 4 gave the Department rule-making authority. It also allowed the Department to adopt standards for pre-cursors for methamphetamine. Amendment Number 5 reinforced the statement that once the property had been removed from the contaminated list, there would be no requirement to disclose past contamination.
{Tape: 1; Side: A; Approx. Time Counter: 0 - 6}

REP. PAT WAGMAN wanted to know the reasoning behind changing the responsibility from DPHHS to DEQ. **REP. NOONAN** explained DEQ was reluctant to take the position because they don't handle situations inside buildings. After discussions between the agencies and the Governor, it was determined that DEQ was the place for rule-making and they could handle this type of cleanup.

REP. PAT WAGMAN further inquired if this was new ground for DEQ. **REP. NOONAN** believed that it was new. They are not specifically prohibited from going inside a structure, but this specific authority would allow them to do so.
{Tape: 1; Side: A; Approx. Time Counter: 6 - 8.1}

REP. JONATHAN WINDY BOY spoke to the amendment. Their local law enforcement had a problem in how to deal with cleanup and what standards they had to meet. He was in favor of the bill.
{Tape: 1; Side: A; Approx. Time Counter: 8.1 - 9.6}

REP. TERESA HENRY asked the subcommittee if real estate people were satisfied with the amendments. **REP. NOONAN** replied that between the two sets of amendments, everyone was satisfied.

Vote: Motion carried unanimously by voice vote 16-0.

Motion: REP. STOKER moved that HB 60 BE AMENDED. EXHIBIT(huh30a02)

Discussion:

Ms. Fox explained that amendments Numbers 1 and 2 go together. A subsection was being added as shown in Number 2.

REP. STOKER said that in real estate contracts, clauses are built into the contracts that make the realtor aware of Megan's Law, weeds, lead paint, etc. If the realtor has first-hand knowledge, they must disclose it to the buyer. The amendment, (Exhibit 1) from REP. HARRIS, ends that responsibility at the time the decontaminated home is removed from the public list. That was one of the objectives of the amendments. In the future, the fact that a piece of property had been contaminated and cleaned up would no longer be public knowledge and would not have to be disclosed. On Page 3, Line 6, (Exhibit 2), the words, "...an owner's agent" would refer to a realtor.

REP. STOKER explained Number 3. The objective was to have DEQ maintain a website listing places that were contaminated. Realtors could go online and verify that the property was listed or had been taken off the list.
{Tape: 1; Side: A; Approx. Time Counter: 9.6 - 16.4}

REP. NOONAN concurred with the amendments. He felt the amendments were concise and established a balance.

REP. ROBERTS reiterated that once the property had been cleaned up to set standards, it would come off the website and would be as if the property had never been contaminated. **REP. STOKER** said that was his understanding, but in the "real world" that can be a scary set of circumstances. This amendment does not relieve the responsibility of the property owner to follow through from the first declaration of clandestine meth lab residue until it is cleaned up and removed from the list. The state would not be responsible for the cleanup on private property.
{Tape: 1; Side: A; Approx. Time Counter: 16.4 - 20}

REP. GORDON HENDRICK inquired how the property owner would be protected from having his property listed if no methamphetamine

residue was found. **REP. STOKER** explained the levels of residue that would have to be found on the property before it could be listed as contaminated.
{Tape: 1; Side: A; Approx. Time Counter: 20 - 22.8}

CHAIRMAN BECKER asked what kind of testing would be done to determine if the property had been contaminated. **REP. STOKER** replied that if a meth lab had been discovered on a property, the assumption would be that the property had been contaminated. The agency would then report it to the local department of health.

REP. WAGMAN, being a volunteer fireman, explained that if they saw a meth lab, they would back out and bring in the hazardous materials (HazMat) people. They would make the decision of whether the property had been contaminated or not.
{Tape: 1; Side: A; Approx. Time Counter: 22.8 - 27.3}

REP. HENDRICK said that in small communities they would not have the right people to make those decisions and would call in HazMat as well.

Vote: Motion carried unanimously by voice vote 16-0.

Motion: REP. STOKER moved that HB 60 DO PASS AS AMENDED.

Discussion:

REP. ROBERTS informed the committee that because of Section 7 on Page 3, it will need a two-thirds vote on the House floor because of the change in liability immunity.

REP. WINDY BOY recommended that the bill be sent to David Ewer, the Governor's budget director and have the change made from DPHHS to Department of Environmental Quality.

Vote: Motion carried unanimously by voice vote 16-0.
{Tape: 1; Side: A; Approx. Time Counter: 27.3 - 31}

EXECUTIVE ACTION ON HB 358

Motion: REP. ROBERTS moved that HB 358 DO PASS.

Discussion:

EXHIBIT 1
DATE 2-7-05
HB 60

Amendments to House Bill No. 60
1st Reading Copy

Requested by Representative Christopher Harris

For the House Human Services Committee

Prepared by Susan Byorth Fox
February 7, 2005 (2:05pm)

1. Title, line 6.
Following: "METHAMPHETAMINE;"
Insert: "PROVIDING FOR RULEMAKING AUTHORITY TO CHANGE THE STANDARD OR TO ADOPT SIMILAR STANDARDS FOR PRECURSORS TO METHAMPHETAMINE TO PROTECT HUMAN HEALTH;"
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"
Insert: "ENVIRONMENTAL QUALITY"

2. Page 1, line 25.
Strike: "public" through "2-15-2201"
Insert: "environmental quality provided for in 2-15-3501"

3. Page 2, line 6.
Following: "**standards**"
Insert: "-- rulemaking authority"

4. Page 2, line 8.
Following: "material"
Insert: "unless a different standard is adopted by the department by rule to protect human health. The department may adopt standards by rule for precursors to methamphetamine that are consistent with the standard for methamphetamine"

5. Page 3, line 19.
Insert: "(4) Notwithstanding any other provision of law, once an inhabitable property has been removed from the list required in subsection (2), a property owner, landlord, or real estate agent is not required to report or otherwise disclose the past contamination."

- END -

EXHIBIT 2
DATE 2-7-05
HB 60

Amendments to House Bill No. 60
1st Reading Copy

Requested by Representative Ron Stoker

For the House Human Services Committee

Prepared by Susan Byorth Fox
February 7, 2005 (10:41am)

1. Page 3, line 1.
Following: "property"
Insert: "-- immunity"
Following: "."
Insert: "(1)"

2. Page 3, line 6.
Insert: "(2) An owner or an owner's agent who provides the notification or who has submitted documentation to the department that the inhabitable property has been remediated to the standards established in [section 3] by a contractor who is certified in accordance with [section 4] is not liable in any action based on the presence of methamphetamine in an inhabitable property."

3. Page 3, line 12.
Strike: "upon request"
Insert: "through a website"

- END -

HOUSE OF REPRESENTATIVES
Roll Call
HUMAN SERVICES COMMITTEE

DATE 2-7-05

NAME	PRESENT	ABSENT	EXCUSED
REP. ARLENE BECKER, CHAIR	X		
REP. TOM FACEY, VICE CHAIR	X		
REP. DON ROBERTS, VICE CHAIR	X		
REP. MARY CAFERRO	X		
REP. EMELIE EATON	X		
REP. GORDON HENDRICK	X		
REP. TERESA HENRY	X		
REP. WILLIAM JONES	X		
REP. DAVE McALPIN	X		
REP. TOM McGILLVRAY	X		
REP. MIKE MILBURN	X		
REP. ART NOONAN	X		
REP. RON STOKER	X		
REP. PAT WAGMAN	X		
REP. BILL WARDEN	X		
REP. JONATHAN WINDY BOY	X		

HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Human Services** recommend that **House Bill 60** (first reading copy -- white) **do pass as amended.**

Signed: Arlene Becker
Representative Arlene Becker, Chair

And, that such amendments read:

1. Title, line 6.
Following: "METHAMPHETAMINE;"
Insert: "PROVIDING FOR RULEMAKING AUTHORITY TO CHANGE THE STANDARD OR TO ADOPT SIMILAR STANDARDS FOR PRECURSORS TO METHAMPHETAMINE TO PROTECT HUMAN HEALTH;"
Strike: "PUBLIC HEALTH AND HUMAN SERVICES"
Insert: "ENVIRONMENTAL QUALITY"

2. Page 1, line 25.
Strike: "public" through "2-15-2201"
Insert: "environmental quality provided for in 2-15-3501"

3. Page 2, line 6.
Following: "**standards**"
Insert: "-- rulemaking authority"

4. Page 2, line 8.
Following: "material"
Insert: "unless a different standard is adopted by the department by rule to protect human health. The department may adopt standards by rule for precursors to methamphetamine that are consistent with the standard for methamphetamine"

5. Page 3, line 1.

Committee Vote:
Yes 16, No 0.

311021SC.hkh
2-8-05

Following: "property"
Insert: "-- immunity"
Following: "."
Insert: "(1)"

6. Page 3, line 6.
Insert: "(2) An owner or an owner's agent who provides the notification or who has submitted documentation to the department that the inhabitable property has been remediated to the standards established in [section 3] by a contractor who is certified in accordance with [section 4] is not liable in any action based on the presence of methamphetamine in an inhabitable property."

7. Page 3, line 12.
Strike: "upon request"
Insert: "through a website"

8. Page 3, line 19.
Insert: "(4) Notwithstanding any other provision of law, once an inhabitable property has been removed from the list required in subsection (2), a property owner, landlord, or real estate agent is not required to report or otherwise disclose the past contamination."

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on March 2, 2005 at 8:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Eve Franklin (D)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Verdell Jackson (R)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. Jon C. Sesso (D)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: Rep. Tim Callahan (D)
Rep. John Sinrud (R)

Members Absent: Rep. Bill E. Glaser (R)
Rep. Walter McNutt (R)

Staff Present: Marcy McLean, Committee Secretary
Jon Moe, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing & Date Posted: HB 60, 2/22/2005; HB 181, 2/22/2005; HB 379, 2/22/2005; HB 392, 2/22/2005; HB 393, 2/22/2005; HB 417, 2/22/2005; HB 482, 2/22/2005; HB 713, 2/22/2005

HEARING ON HB 60

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS, HD 66, Bozeman, opened the hearing on **HB 60**, a bill to establish indoor cleanup standards for methamphetamine (meth) labs. For the past two sessions the Environmental Quality Council has heard from landlords about the major contamination problem when their rental was used for a meth lab. The landlords are looking for guidance and cleanup standards from the government. An amendment to this bill switches the oversight responsibility from the Department of Public Health and Human Services (DPHHS) to the Department of Environmental Quality (DEQ). He said that DEQ has some good ideas on how to approach the cleanup task.
{Tape: 1; Side: A; Approx. Time Counter: 0 - 5; Comments: Rep. Glaser entered hearing.}

Proponents' Testimony:

Linda Stoll, Montana Local Health Officers, said that one of the spin-off problems from meth use is the cleanup of the hazardous waste sites. The local health officers have recognized for several years that standards need to be established. She said that money spent by the State to fund HB 66 is necessary because this is a big public health issue.

Jim Smith, Montana Sheriffs and Peace Officers Association, Montana County Attorneys Association, said the cost of funding HB 66 is well worth the expenditure.

Harold Blattie, Montana Association of Counties, said that HB 66 is a small price to pay to accomplish something so significant.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. JUNEAU asked REP. HARRIS why he did not sign the fiscal note and why the bill costs $350,000. **REP. HARRIS** said that he agrees that this process should not cost so much and has had discussions

with DEQ about this. They should be able to lower the cost and still get the work done. He said that they would provide an updated price tag prior to the committee taking executive action.

REP. KAUFMANN said that she thinks the gap in the bill is that nobody is required to clean up anything. She said that a landlord could possibly do minimal cleanup and then rent the property for a low amount of money. The bill states that the landlord has immunity if he has notified a renter that a meth lab had been in the rental previously. She said that her concern was for the low-income renter who would rent the property because the rent is low, even though notified of the hazardous waste risks.
REP. HARRIS said that there are powerful incentives for the cleanup. He said that the landlord has to post a warning for the property, but by conducting the standardized cleanup, he is then able to rent his property again. He said that the immunity provided to the landlord is only if the cleanup work is done.

REP. RIPLEY asked if the fiscal note is correct, and rather than adding two FTEs, could they absorb the cost into the DEQ's existing budget.

{Tape: 1; Side: A; Approx. Time Counter: 5 - 14.7; Comments: Rep. McNutt entered hearing}

Ed Thamke, DEQ, said that hazardous waste cleanup is not new to the DEQ. He said that he had authored the fiscal note and feels that it is an honest and necessary cost estimate. He said that he believes they need an Occupational Health and Safety Specialist to direct this program. The second position for administrative functions needs to be able to perform outreach to the public in order to communicate with property owners, tenants and health officers. He said that he will work with REP. HARRIS to prepare a new fiscal note to change the FTEs from two to one and a half.

REP. SESSO said that he is concerned that the bill just establishes the standards but does not address who is responsible for doing follow-up to see that people are following these rules.

REP. HARRIS said that HB 60's simple mission is to establish procedures for cleanup of meth labs. It is not intended to address all enforcement issues associated with meth. Local authorities may need to decide if cleanup is necessary or if the property should be condemned. He said that oversight is being moved from DPHHS to DEQ because they are familiar with chemical cleanups.

CHAIRMAN BUZZAS said that she is concerned about duplication of efforts between DEQ, Department of Justice (DOJ) and local law enforcement.

REP. HARRIS said that when a meth lab is busted, the local law enforcement officials send in a team to remove the ingredients. They are not in the cleanup business. Cleanup standards are needed for the leftover chemicals in the walls, sheet rock, carpet, etc. This would allow them to rehabilitate the property so that it is no longer a danger to human health.

CHAIRMAN BUZZAS asked who does the hazardous waste cleanup. **REP. HARRIS** said that currently the landlords seek guidance from the county health department, and the answer usually is "good luck." Local officials call DPHHS and DEQ for guidance and learn that there are no standards for cleanup.

CHAIRMAN BUZZAS asked if DEQ certifies when the cleanup work is done and that the property is safe for occupancy. **REP. HARRIS** said that HB 60 sets the cleanup standards and gives DEQ the rule making authority to change the standards as new technology is developed. DEQ will certify cleanup contractors, and then the contractor certifies that the cleanup had been done based upon these standards. Once this is done, DEQ would certify the cleanup work.

REP. JUNEAU said that the bill states that they may possibly charge fees for the testing and training of contractors. She asked if these fees could be used to offset some of the costs of developing these standards. **REP. HARRIS** said that they will reflect these fees in the fiscal note, but they will probably amount to only $5,000-$7,000.

REP. SESSO asked if this will be an ongoing program. **REP. HARRIS** said that as long as there is a meth problem, this program will be ongoing. He said that the premise of the bill is that contaminated property should be returned to the market. DEQ will be responsible for enforcing the cleanup standards.

Closing by Sponsor:

REP. HARRIS said that he agrees with REP. KAUFMANN's request for an amendment to remove the immunity given to a landlord just for posting a notice that the meth lab has been cleaned up.
{Tape: 1; Side: A; Approx. Time Counter: 14.7 - 32.6; Comments: End Side A}

HOUSE OF REPRESENTATIVES

Roll Call
APPROPRIATIONS COMMITTEE

DATE 3/2/05 re-convene at 3:00

NAME	PRESENT	ABSENT	EXCUSED
REP. ROSIE BUZZAS, CHAIR	✓		
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR			✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN		✓	
REP. BILL GLASER	✓	✓	
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		✓
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN			✓
REP. RALPH LENHART	✓		
REP. WALT McNUTT	✓		
REP. JOHN MUSGROVE	✓		
REP. PENNY MORGAN	✓		
REP. RICK RIPLEY		✓	
REP. JOHN SESSO		✓	
REP. JOHN SINRUD		✓	
REP. JANNA TAYLOR	✓		✓
REP. JACK WELLS	✓		

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Montana House of Representatives
Visitors Register

APPROPRIATIONS COMMITTEE **Date** 3/2/05

Bill No. HB-60 **Sponsor(s)** Rep C. Harris

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Jim Kembel	MACoP MPPA	X		
Mike Batista	DOJ	X		
☒ Thamke	MDEQ			X
LINDA STOLL	MT LOCAL HEALTH officials	✓		
Jim Smith	Sheriffs & City Attys	✓		
HAROLD BATTEN	MACo	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/AppropVisitorReg.sample2003

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on March 16, 2005 at 8:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Verdell Jackson (R)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Walter McNutt (R)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: Rep. Bill E. Glaser (R)
Rep. Jon C. Sesso (D)

Members Absent: Rep. John Sinrud (R)

Staff Present: Marcy McLean, Committee Secretary
Laura Dillon, Committee Secretary
Jon Moe, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:	HB 423, 3/11/2005; HB 667, 3/11/2005; HB 669, 3/11/2005; HB 740, 3/11/2005; HB 757, 3/11/2005; HB 773, 3/11/2005
Executive Action:	HB 181; HB 148; HB 102; HB 219; HB 414; HB 687; HB 60;

HEARING ON HB 423

Opening Statement by Sponsor:

REP. WAYNE STAHL, HD 35, Saco, opened the hearing on **HB 423**, a bill to appropriate $500,000 from the General Fund for grant funding for a great plains dinosaur park in Malta. He said that this money would be used for matched funding, to provide for a building and land to store the 11 dinosaurs that are currently in Phillips County. He said this includes "Leonardo," the world's best preserved dinosaur. He requested that during executive action, the Committee remove the $500,000 appropriation because when the bill reaches the House floor, he would provide funding from another source. He told the Committee that Phillips County has never requested money from the Legislature in the past; they pay in more taxes to the State than they use. The reason they are asking for money now is to ensure that the dinosaurs will remain in Phillips County.
EXHIBIT(aph58a01)

Proponents' Testimony:

Nate Murphy, Curator of the Phillips County Museum, said over the past 125 years museums and universities have come to eastern Montana to collect and remove the dinosaurs from Montana. He said that the Museum of the Rockies in Bozeman has done a wonderful job, but they cannot handle everything. He said that HB 423 would establish a museum research center for education, run by a local non-profit. This center would allow us to keep these dinosaurs in Montana; HB 423 would be an "eastern Montana investment." He assured the Committee that they would not be coming back to them again asking for more money.

Doug Karachar, Hill County Commissioner, said that his county is home to several large dinosaur collections and they support a museum for Malta.

Bill Kennedy, Yellowstone County Commissioner, said that the Montana Association of Counties supports HB 423.

{Tape: 4; Side: A; Approx. Time Counter: 11.9 - 17.5}

EXECUTIVE ACTION ON HB 687

Motion: REP. MORGAN moved that HB 687 BE TABLED.

Discussion:

REP. MORGAN voiced concern over enforcing the statute. It had been indicated to her that the bill, should it become law, would be impossible to enforce over the internet.

Vote: Motion carried 14-6 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. JUNEAU, REP. KAUFMANN, and REP. SESSO voting no. REP. JUNEAU voted by proxy.

{Tape: 4; Side: A; Approx. Time Counter: 17.5 - 19.7; Comments: REP. WITT exited the meeting.}

EXECUTIVE ACTION ON HB 60

Motion: REP. MUSGROVE moved that HB 60 DO PASS.

Motion: REP. MUSGROVE moved that HB006002.ajk BE ADOPTED. EXHIBIT(aph58a09)

Discussion:

REP. MUSGROVE explained that this amendment clarifies language in several points of the bill. The amendment allows the property title to be cleared of any lien that there has been methamphetamine contamination of that property.

REP. JACKSON commented that the State of Montana did not certify its contractors. He asked how language in the amendment, which specified certified contractors would be addressed. **REP. MUSGROVE** said that when methamphetamine labs are discovered by drug enforcement, certified personnel are required during the drug seizure stage. These personnel can be brought in from outside the State if necessary. Part of what HB 60 does is set the standards for certification.

REP. SINRUD asked if "certified contractor" referred to a methamphetamine abatement certified contractor. **REP. MUSGROVE** responded, "Yes."

REP. SINRUD suggested that it may be more clear to specify "hazardous waste abatement certified contractor" to better agree with the bill's intent.

REP. WELLS Stated that New Section 4 discusses contractor certification and Department authority and that the bill will address any question of contractor certification as written.

REP. MCNUTT said that there are currently no contractors in the state who are certified to clean up a methamphetamine site. The purpose of this bill is to allow the Department to certify contractors for this cleanup and address any remaining liability concerns.

{Tape: 4; Side: A; Approx. Time Counter: 19.7 - 30}

REP. MUSGROVE gave additional history of the bill. This bill will help landlords by providing the means necessary to address the property lien that results when drug enforcement discovers such a lab.

Vote: Motion carried unanimously by voice vote. REPS. JUNEAU and WITT voted by proxy.

{Tape: 4; Side: A; Approx. Time Counter: 30 - 33; Comments: End of Tape 4, Side A.}

REP. JAYNE commented that cleanup of such methamphetamine labs is already ongoing in Montana. She feels that passing the bill will only add more bureaucracy to the process.

REP. SESSO agreed that the standards are necessary to deal with the methamphetamine cleanup. However, he feels that the Department's demand for additional funding and Full Time Equivalents (FTE) to address the issue are exorbitant.

REP. KAUFMANN added that the bill has received support from various agencies Statewide.

REP. MCNUTT said that the amendments to the bill could mitigate the fiscal note. This is because there was no fee before for the certification process.

REP. WELLS gave a personal account explaining how this bill is important to landlords.

Motion/Vote: REP. MUSGROVE moved that HB 60 DO PASS AS AMENDED. Motion carried 17-3 by roll call vote with REP. JAYNE, REP. JUNEAU, and REP. MORGAN voting no. REP. JUNEAU and REP. WITT voted by proxy.

{Tape: 4; Side: B; Approx. Time Counter: 0 - 12.4}

EXECUTIVE ACTION ON HB 667

Motion: REP. HINER moved that HB 667 DO PASS.

Discussion:

REP. SINRUD commented that he would like to see action on the bill deferred until Monday. He said that because the bill was heard this morning, he has not had enough time to gather information that he would like to present.

CHAIRMAN BUZZAS explained that all of the hearings are scheduled ahead of time and she gives a copy of each week's agenda to REP. WITT for distribution to his party members. She said that she wanted to assure the Committee members that there was enough time to hear all of the bills scheduled.

REP. TAYLOR said that individuals had voiced their concern over the administrative costs associated with the bill and she would like some additional time to research this.

REP. BUZZAS commented that she was okay with deferring action in this instance, but did not wish to set a precedent for future bills. Several other bills have had hearings and executive action within the same day.

REP. MCNUTT agreed that he would like to have more time to research the bill. He said that he thinks the bill is important and would not want to be forced to vote "no" because he does not have all the facts.

REP. HINER withdrew her motion, without objection.

CHAIRMAN BUZZAS asked REP. RIPLEY if he wished to hold executive action on HB 749 at this time. After some discussion, they agreed to address the bill with Tuesday's agenda.

EXHIBIT 9
DATE 3/16/05
HB 60

Amendments to House Bill No. 60
2nd Reading Copy

Requested by Representative Christopher Harris

For the House Appropriations Committee

Prepared by Joe Kolman
March 16, 2005 (11:24am)

1. Page 1, line 30.
Following: "structure"
Insert: "used as a clandestine methamphetamine drug lab"

2. Page 2, line 22.
Following: "the"
Insert: "assessment or"

3. Page 2, line 27.
Following: "may"
Strike: "assess"
Insert: "adopt rules to provide for the assessment of"

4. Page 2, line 29.
Following: "cause."
Insert: "The rules may provide for the assessment of reasonable fees to cover the cost of the contractor certification program."

5. Page 3, line 12 through line 14.
Following: "(2)"
Strike: "AN" on line 12 through "[SECTION 4]" on line 14
Insert: "With the exception of an owner or an owner's agent who caused the methamphetamine contamination, an owner or an owner's agent who has submitted documentation to the department by a contractor who is certified pursuant to [section 4] that the inhabitable property has been remediated to the standards established in [section 3] or submits documentation by a certified contractor that the property meets the decontamination standards without decontamination and who receives notification from the department confirming the contamination has been satisfactorily addressed"

6. Page 3, line 24 through line 27.
Strike: "An" on line 24 through "[section 4]." on line 27
Insert: "Upon confirmation by the department that an inhabitable property has been properly remediated to the standards established in [section 3] or that the inhabitable property meets the decontamination standards without decontamination, the

department shall remove the inhabitable property from the list required in subsection (2).

7. Page 3, line 28.
Strike: "notify"
Insert: "provide written notification to"
Following: "officer"
Insert: "and the property owner of record"
Following: "properly"
Insert: "assessed or"

8. Page 3, line 30.
Following: line 29
Insert: "(4) The department may adopt rules establishing reasonable requirements for the sufficiency of documentation to be provided by a certified contractor."
Renumber: subsequent subsections

9. Page 4, line 10.
Following: "codified"
Strike: remainder of line 10
Insert: "in Title 75, chapter 10."

- END -

HOUSE OF REPRESENTATIVES

Roll Call
APPROPRIATIONS COMMITTEE

DATE 3/16/05 8:00 a.m.

NAME	PRESENT	ABSENT	EXCUSED
REP. ROSIE BUZZAS, CHAIR	X		
REP. CAROL JUNEAU, VICE CHAIR	X		
REP. JOHN WITT, VICE CHAIR	X		
REP. TIM CALLAHAN	X		
REP. EVE FRANKLIN	X		
REP. BILL GLASER			X
REP. RAY HAWK	X		
REP. CYNTHIA HINER	X		
REP. VERDELL JACKSON	X		
REP. JOEY JAYNE	X		
REP. CHRISTINE KAUFMANN	X		
REP. RALPH LENHART	X		
REP. WALT McNUTT	X		
REP. JOHN MUSGROVE	X		
REP. PENNY MORGAN	X		
REP. RICK RIPLEY	X		
REP. JOHN SESSO			X
REP. JOHN SINRUD		X	
REP. JANNA TAYLOR	X		
REP. JACK WELLS	X		

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HOUSE OF REPRESENTATIVES

Roll Call
APPROPRIATIONS COMMITTEE

DATE 3/16/05 3:00 p.m.

NAME	PRESENT	ABSENT	EXCUSED
REP. ROSIE BUZZAS, CHAIR	✓		
REP. CAROL JUNEAU, VICE CHAIR	✓		
REP. JOHN WITT, VICE CHAIR			✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE	✓		
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. WALT McNUTT	✓		
REP. JOHN MUSGROVE	✓		
REP. PENNY MORGAN	✓		
REP. RICK RIPLEY	✓		
REP. JOHN SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		

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HOUSE STANDING COMMITTEE REPORT

Mr. Speaker:

We, your committee on **Appropriations** recommend that **House Bill 60** (second reading copy -- yellow) **do pass as amended.**

Signed: _____
Representative Rosalie (Rosie) Buzzas, Chair

And, that such amendments read:

1. Page 1, line 30.
Following: "structure"
Insert: "used as a clandestine methamphetamine drug lab"

2. Page 2, line 22.
Following: "the"
Insert: "assessment or"

3. Page 2, line 27.
Following: "may"
Strike: "assess"
Insert: "adopt rules to provide for the assessment of"

4. Page 2, line 29.
Following: "cause."
Insert: "The rules may provide for the assessment of reasonable fees to cover the cost of the contractor certification program."

5. Page 3, line 12 through line 14.
Following: "(2)"
Strike: "AN" on line 12 through "[SECTION 4]" on line 14
Insert: "With the exception of an owner or an owner's agent who caused the methamphetamine contamination, an owner or an owner's agent who has submitted documentation to the department by a contractor who is certified pursuant to [section 4] that the inhabitable property has been remediated to the standards established in [section 3] or

Committee Vote:
Yes 17, No 3.

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submits documentation by a certified contractor that the property meets the decontamination standards without decontamination and who receives notification from the department confirming the contamination has been satisfactorily addressed"

6. Page 3, line 24 through line 27.
Strike: "An" on line 24 through "[section 4]." on line 27
Insert: "Upon confirmation by the department that an inhabitable property has been properly remediated to the standards established in [section 3] or that the inhabitable property meets the decontamination standards without decontamination, the department shall remove the inhabitable property from the list required in subsection (2).

7. Page 3, line 28.
Strike: "notify"
Insert: "provide written notification to"
Following: "officer"
Insert: "and the property owner of record"
Following: "properly"
Insert: "assessed or"

8. Page 3, line 30.
Following: line 29
Insert: "(4) The department may adopt rules establishing reasonable requirements for the sufficiency of documentation to be provided by a certified contractor."
Renumber: subsequent subsections

9. Page 4, line 10.
Following: "codified"
Strike: remainder of line 10
Insert: "in Title 75, chapter 10."

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
APPROPRIATIONS COMMITTEE

DATE 3/16/05 BILL NO HB60 MOTION NO. 3

MOTION: Musgrove - do pass as amended.

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. CAROL JUNEAU, VICE CHAIR		✓	✓
REP. JOHN WITT, VICE CHAIR	✓		✓
REP. TIM CALLAHAN	✓		
REP. EVE FRANKLIN	✓		
REP. BILL GLASER	✓		
REP. RAY HAWK	✓		
REP. CYNTHIA HINER	✓		
REP. VERDELL JACKSON	✓		
REP. JOEY JAYNE		✓	
REP. CHRISTINE KAUFMANN	✓		
REP. RALPH LENHART	✓		
REP. RALPH McNUTT	✓		
REP. PENNY MORGAN		✓	
REP. JOHN MUSGROVE	✓		
REP. RICK RIPLEY	✓		
REP. JON SESSO	✓		
REP. JOHN SINRUD	✓		
REP. JANNA TAYLOR	✓		
REP. JACK WELLS	✓		
REP. ROSIE BUZZAS, CHAIR	✓		
	17	3	

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MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN BRENT R. CROMLEY**, on March 30, 2005 at 4:45 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Brent R. Cromley, Chairman (D)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Duane Grimes (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Dan Weinberg (D)
Sen. Carol Williams (D)

Members Excused: Sen. Trudi Schmidt (D)

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Rita Tenneson, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 169, 3/23/2005; HB 60, 3/23/2005
Executive Action: HB 169; HB 60

HEARING ON HB 60

{Tape: 1; Side: A; Approx. Time Counter: 0 - 16.9}

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS (D), HD 66, opened the hearing on **HB 60**, Indoor cleanup standards for methamphetamine labs.

REP. HARRIS said the problem with meth labs has been occurring more than four years in rental and other properties. People were leaving a big mess. The innocent property owner wanted it cleaned up. There were no standards or places the owner could turn to for help. Washington and Oregon have standards, but Montana doesn't. Potentially productive property remains quarantined. He gave the Committee a handout from an article showing the major public health threat methamphetamine present to inhabitants. This bill establishes, by legislation, a very tough cleanup standard, adopted in Oregon, Washington and several other states. DEQ is allowed, under the bill, to adopt precursors for cleanup, if they feel it a necessary action. They also have authority for contractor certification. Section 5, of the bill requires notification to the subsequent landlord or buyer that the cleanup has been remediated. If this documentation has been submitted to DEQ, and both the owner and DEQ are satisfied that it has been cleaned up, the owner and public officials involved are granted immunity. The bill passed out of the House with a 2/3 vote and has to pass out of the Senate with a 2/3 vote to give government immunity. If it doesn't pass out with a 2/3 vote, the government immunity falls off. The rest of the bill remains intact. When the property has been cleaned up, the county public health officer will be notified and DEQ will notify the clerk & recorder. Notices from the law enforcement agencies often go on the deed. Once the clerk & recorder gets notification of cleanup, that should be removed. Both the original notification, that it had been a meth lab, and the notification that it has been remediated, are in the file.

EXHIBIT(phs67a03)

{Tape: 1; Side: A; Approx. Time Counter: 16.9 - 25.3}

Proponents' Testimony:

Michael Batista, Administrator, Division of Criminal Investigation, Department of Justice, supported the bill. They have been going to lab sites, busting labs, removing children from the site, and calling a contractor to remove the chemicals and dispose of them. Now they are left with the problem of

whether a health issue exists. The Drug Enforcement Administration has them sending notification to county clerk & recorder offices if a meth lab has been found at the property. The letter is then assigned to the property deed. Once the notification has occurred to a property owner, the question arises on how to clean the property to make it habitable again. Law enforcement does not have the answers. They work with DEQ and the Department of Health to find answers. There are no health cleanup standards for meth labs nation wide. Once the letter is sent out, it becomes a problem for the property owner to have the letter removed. The bill gives direction on how to solve these problems.

John Arrigo, Administrator, DEQ Enforcement Division, gave written testimony in support of the bill.

EXHIBIT(**phs67a04**)

{Tape: 1; Side: A; Approx. Time Counter: 25.3 - 30}
{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.1}

Chris Christiaens, Montana Landlords Association, stated there is no money available for property owners who are victims of the clean-up problems. In the State of Washington, the average meth lab clean up is about $6500. This goes up when larger buildings are involved. A motel operator, in the State of Washington, had spent over a quarter of a million dollars. Their 250-room motel has been shut down because of clandestine labs. Toxins go into air conditioning and heating systems, contaminating the entire facility. The major concern is that, once notification has been placed on the deed, there is a way to have it removed when the property is certified clean.

Peggy Trent, Montana Association of Realtors, thanked the sponsor. She appreciated that property owners, through this bill, will have a way to get themselves out of the cycle of having their property stigmatized. This is a way to protect public health and safety.

Gordon Morris, Director, MACo, went on record as appreciating the testimony of **Mr. Batista**, who hit on one of the problems regarding property owners and real estate stigmatized by having been used as a meth lab. More than the public is harmed. There is also the innocent property owner, who may be left with property that cannot be rented or sold, because of the letter attached to the deed. Counties have been struggling with this for over four years. There are properties that have been cleaned, but cannot be certified that they are suitable for re-occupancy. He asked the Committee to amend the legislation

effective upon passage and approval. He said it is a critical issue. The sooner it gets on the books as a law and DEQ works on it, the better off we are.

Linda Stoll, Montana's Local Public Health Officers and Local Public Health Officers Group, said it is among the top two pieces of important legislation they wanted passed this year. Attorney General Mike McGrath's previous testimony said 15% of the meth consumed in Montana, is created here in hotel rooms, rental units and houses across the State. She gave information, from the web, regarding cleaning up hazardous chemicals in meth labs. She learned there was a growing business of people who clean meth labs, and gave out information of a business, in Las Vegas, doing cleanup. She also handed the Committee information from the Texas Workers' Compensation Commission publication on meth lab cleanup.

EXHIBIT(phs67a05)
EXHIBIT(phs67a06)
EXHIBIT(phs67a07)

Jim Kembel, Montana Association of Chiefs of Police, rose in support of the legislation.

Jim Smith, Montana Sheriffs and Peace Officers Association and the Montana Cancer Association, rose in support. He said the bill is important. It establishes baseline standards of when a place is contaminated, when is it cleaned up and the process for public notice and documentation. He pointed out the bill specifies the decontamination standard, 0.1 micrograms of methamphetamine per 100 square centimeters of surface material, which is about five square inches, was important. He agreed with **Mr. Morris**, the bill should be passed as soon as possible.

Opponents' Testimony:

Al Smith, Montana Trial Lawyers Association, didn't oppose the main purpose of the bill, meth standards for cleanup and the procedure on how it is done, nor the civil liability. He questioned page 3, line 10, where in bold and cap it says, immunity. This was not in the original bill and he didn't think it was necessary. Section 5, line 23 says, not liable in any action. He said they are fine with this, as long as the subsequent purchaser or tenant has received notice that the property has been remediated. He wanted the people to have notice, up front, so they can make an informed decision whether or not they want to rent or purchase that property. He wants assurance that anyone coming in to rent, or purchase, gets notice the owner has gone through the certification process, got the

contractor, and cleaned up the house. He said page 4, lines 15 through 17 say an owner or agent no longer has any responsibility to disclose this past contamination. He objects to this. He referred to Love Canal and the consequences of that subdivision being built over a chemical dump. He isn't sure we know all the signs at this time.

Haley Beaudry, Butte, spoke on behalf of a friend of his who is a landlord in Butte. He is concerned about what happens while the cleanup and inspection is taking place and he is unable to rent his place. While the place is empty, the mortgage continues. Banks, if this happens several times in communities, may find themselves in trouble, as well. The meth blite on society is one of the worst situations we can face. He commended **REP. HARRIS** for trying to fix it but wanted to be careful not to harm people who are caught in the crossfire through no fault of their own.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. GRIMES asked **Mr. Christiaens** if he had a method in the bill for the department to issue a finding that there is an acceptable form of disposal. **Mr. Christiaens** said, no, there is not. He believed that some of those things could be addressed in rule making. When there is a clandestine lab and law enforcement comes in, they collect all the precursors, chemicals, and the lab. These are removed and taken to Idaho for disposal. There has been federal money available to the Department of Justice for this. When law enforcement goes in, they take samples to the crime lab. The biggest issue for property owners is not knowing what has been used that they have to clean up. His association has been working, for four years, trying to figure out what they had to clean up. The bill is the first step in addressing this. If the meth lab is in a multi-family dwelling, the owner has to displace all the tenants. Unless there is an explosion, or flare up with the meth lab, your property and casualty carrier will not pay for the expenses. In a twelve-plex, you have eleven other tenants whom you are responsible finding housing for.

{Tape: 1; Side: B; Approx. Time Counter: 4.1 - 30.9}

SEN. GRIMES asked about the standard on page 2. **REP. HARRIS** answered the purpose of the original standard was to make sure the problems could be addressed right away. DEQ has the expertise if they want to make it more stringent. They have this power in rule making. He assumed DEQ would leave the standard in place. It has been in place in Washington and Oregon for quite

some time and has proven to be an acceptable standard cleanup contractors have adapted to.

SEN. O'NEIL asked if an owner could clean up his own property then have a contractor certify it has been cleaned up. **REP. HARRIS** answered if the owner cleans it up and asks for the test showing decontamination has met the test. It wouldn't be a wise approach. Under the bill, it could be accomplished.

SEN. MOSS inquired, regarding the Oregon and Washington legislation, if any of those states had addressed **Mr. Smith's** question regarding immunity. **REP. HARRIS** told her, not to his knowledge. He said there needs to be a good incentive to carry out the cleanups, which are relatively expensive. It is important that remediation occurs. Once the cleanup has occurred, there is no requirement in State law that requires every subsequent occupant of the property to be informed of it.

SEN. CROMLEY asked **John Regal, DEQ,** what is being cleaned up after the meth labs. **Mr. Regal** answered it includes chemicals that are not considered toxic. The main problem is they are volatile, they evaporate. When they evaporate, they adhere to carpet, walls, and disperse throughout the ventilation system. Over time, the chemicals can continue to be released into the air. It is the removal of these residuals hung up in these areas. The drug task force removes the cans and containers of chemicals which are there. Bulk chemicals are properly disposed of. Residual chemicals are the concern. Some people are quite sensitive to these and there is no defined standard, until **HB 60**, on what is an appropriate clean up level. **SEN. CROMLEY** said it would be difficult to make the bill effective immediately if the department didn't have rules. **Mr. Regal** told him they didn't have rules yet. They would have to write a position description and hire a person before they could start this.

SEN. GRIMES asked about how many contractors may get into the cleanup. **Mr. Christiaens** was aware that Kleen King is certified in other states, there is one company from Idaho, and a couple engineering firms, one is in East Helena. He recommended some organizations get together, pay for training, and put their own cleanup programs together.

SEN. GRIMES asked **REP. HARRIS** to respond to **Mr. Smith's** comments regarding the immunity amendment. **REP. HARRIS** told him if the immunity were amended out, it wouldn't cause him any heartburn. He said it was there for a reason. They want to provide a major incentive to the owner of the property to go through the process and get the cleanup accomplished soon so subsequent owners, or renters, are not exposed to the health affects.

SEN. CROMLEY, referring to page 4, section 7, wanted to know if it was good policy for the Legislature to say we want law enforcement to follow these laws, but we don't care if they do it in a careless manner. **REP. HARRIS** said these immunity provisions occur in other aspects of the law. The reason it is in there is this is a new field for state and local officials to be involved in. There isn't a lot of training on meth lab cleanup. If all the chemicals hadn't been picked up and health officials came in and knocked over a chemical, should we hold them responsible because they were doing their duty. **SEN. CROMLEY** wondered then, would the owner have to pay for it. **REP. HARRIS** answered if the owner negligently rented to a meth lab operator and the official wasn't negligent, yes, the owner should pay for it.

SEN. CROMLEY referred back to page 3, saying if he was buying a house that had been used as a meth lab, he would certainly want to know that. On line 12, if the property has been properly remediated, he wouldn't have to tell the young person buying their first house, it had been used as a meth lab. **REP. HARRIS** said, under the bill, that is correct. That is an essential part of the incentive. He wants the owner to clean it up. **SEN. CROMLEY** asked, on a chance the certified contractor missed something inadvertently in the cleanup and certified it, then the house is sold to a young couple, who has no knowledge it has been used as a meth lab, and it turns out something does show up later, would the innocent purchaser have to bear the cost. **REP. HARRIS** told him, in that case, it would be the cleanup contractor who would have the responsibility. Most contractors have liability insurance for this purpose.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 30}

SEN. GRIMES asked **Mr. Christiaens,** referring to immunity, if an amendment similar to the one on mold would be acceptable. **Mr. Christiaens** told him the notice issue is easiest to work with. It would be similar to mold that has been remediated. If he was going to sell his piece of property, there is a form an owner fills out now that talks about any knowledge of previous mold, or any other hazardous effects. You would mark that as, yes. You would also indicate, in this case, that the property has been cleaned up and certified. You would have a copy of certification. Under the bill, DEQ will send notice to the property owner, as well as to the clerk and recorder, to remove the information from the deed. If it becomes an issue of your sale, you have taken care of that. Under the disclosure requirements for a realtor, that is also required. If the realtor is aware there has been some hazardous activity with the property, under their ethics, they are also required to disclose this to subsequent buyers. By not having these amendments, you

may have property owners where there has not been an explosion or a severe lab and they have knowledge of activity of meth. They will only give notice, get rid of the tenant and never clean it up according to the standards. This is a health safety issue for the tenants. One of the reasons the bill is worded the way it is now, is to insure that property owners will have it cleaned it up properly and certified with a reputable cleanup agency.

Closing by Sponsor:

REP. HARRIS referred to the concerns from the man from Butte, saying nothing in the bill establishes requirements for quarantining the property. That already exists with county health officials. If the property is determined to be off-limits, this is not caused by this bill. It is caused by existing authority under health law. The law does provide an escape from that. If it has been quarantined, and determined to be a health hazzard because of the meth residue, this bill allows the owner to get out. This is the ticket that the property can return to its normal, useful function. He urged the Committee to look at the balance in terms of what will create the incentive for remediation. That is the most important ingredient.

SEN. GRIMES will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 169

{Tape: 2; Side: B; Approx. Time Counter: 0 - 13.8}

Motion: SEN. CROMLEY moved that HB 169 BE CONCURRED IN.

Discussion: SEN. CROMLEY had carried a similar bill cleaning up enforcement provisions. The major tobacco companies agreed to the settlement. Part of the agreement with the settling companies was that a state had to diligently pursue the non-settling companies. If the a state is not diligently pursuing, they can potentially lose their percentage from the global settlement.

Motion/Vote: Motion carried unanimously. SEN. WEINBERG, SEN. WILLIAMS, SEN. ESP, SEN. COBB, and SEN. SCHMIDT voted aye by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 13.8 - 19.8}

EXECUTIVE ACTION ON HB 60

SEN. CROMLEY suggested deleting Section 7. He didn't see any reason for that to be there.

Mr. Niss said they do not have immunity, but the liability is limited.

SEN. GRIMES asked if the Committee agreed to strike section 7, what would **SEN. CROMLEY'S** intentions be on section 5. **SEN. CROMLEY** suggested striking section 5 in its entirety. Along with that, strike on page 4, lines 15 through 17. You have the incentive to clean up the property and, if you don't you should be reliable.

SEN. GRIMES suggested, instead of striking section 5, strike section 7. Then, in section 5, struck for purchases. His intention was that the notice requirement would only be rescinded in the case of subsequent renters down the line. Then you could put a period after five or ten years so you wouldn't have to be notifying the next person in perpetuity. If the landlord, who is trying to cover his mortgage, insurance, taxes and has everything on the line, knows there is a legitimate process to turn this around in a timely fashion with some protection to him, this provision is too great to sweep under the rug. He said it would be easy for somebody to ignore the warning signs.

SEN. CROMLEY said he was looking more at sales than the landlord. If you rented it to a young couple and didn't clean it up adequately, they move in and a child dies, you have a lawsuit. If you had it remediated up to standard and they moved in, you would have immunity. He didn't think you would have to tell them, in that case, if you rented it to them. He didn't see the rental situation to be as important as the sales situation.

SEN. GRIMES replied the question is, does the landlord have to tell someone moving in, when there is not a significant problem, down the line.

SEN. GRIMES asked if we leave sub part 2 and take out purchaser in sub part 1 would work.

SEN. O'NEIL pointed out that sub part 1 gives incentive to get it cleaned up by a certified cleaner. Until you get it cleaned up, you have to notify everybody that it has been dirty. Once it is cleaned up, you don't have to tell anybody any more.

SEN. CROMLEY thought you should have to tell a person. **SEN. O'NEIL** responded, if it's clean, why do you have to tell them.

SEN. CROMLEY thought they would want to know the history. He thought you had to have disclosure.

SEN. MOSS said the issue was disclosure relating to meth labs and the criminal activity that goes on with them. Regarding the landlords, she said it has a negative connotation on the property. There is more than just the chemical contamination and the cleanup. It has to do with the nature of the meth lab and the activity happening with that house.

{Tape: 2; Side: B; Approx. Time Counter: 19.8 - 30.6}

Motion/Vote: SEN. GRIMES moved that HB 60 BE AMENDED TO STRIKE SECTION 7. Motion carried unanimously by voice vote. SEN. WEINBERG and SEN. ESP voted aye by proxy.

Motion: SEN. GRIMES moved that HB 60 BE AMENDED BY STRIKING PARAGRAPH 2 OF SECTION 5.

Discussion: SEN. GRIMES asked **Mr. Niss** the best way to accomplish what the Committee wants in paragraph 1, of section 5.

SEN. CROMLEY said to look on page 4, line 17.

SEN. GRIMES asked **Mr. Niss** how to make the exception to the notice requirement only apply to the landlord's rental situation, so it would say you would have to provide notification in the case of a purchaser; if it has been properly removed, and the inhabitable property has been remediated to the standard established in section 3, it would not apply to renters. **Mr. Niss** said the only question would be how many down the line.

SEN. CROMLEY gave an example of having a place with a meth tenant. You cleaned it up and want to rent it out. As far as you know, it is clean. He didn't think you had to tell the new tenant. **SEN. GRIMES** asked if he would be willing to make it identical to whatever is in the asbestos statute. **SEN. CROMLEY** wasn't sure there was anything in the asbestos law that would work.

SEN. O'NEIL commented that sub part 1 of section 5 is the guts of the bill. It says, if you have property used by meth, you have to either get it cleaned up, or notify anybody whom you are selling it to, down the line, that it had been contaminated with meth.

SEN. GRIMES suggested we hold further action until **Mr. Niss** could make a draft covering the recommendations outlined in paragraph

1. He will think through the immunity issue and see if they still want it in the bill.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 21.9}

HB 60
SENATE PUBLIC HEALTH, WELFARE AND SAFETY
EXHIBIT NO. 3
DATE 3-30-05
BILL NO. HB 60

Chemical Exposures Associated with Clandestine Methamphetamine Laboratories

By

John W. Martyny, Ph.D., CIH
Associate Professor, National Jewish Medical and Research Center

Shawn L. Arbuckle
Industrial Hygiene Program Coordinator, National Jewish Medical and Research Center

Charles S. McCammon, Jr., Ph.D., CIH
Senior Industrial Hygienist, Tri-County Health Department

Eric J. Esswein, MSPH, CIH, CIAQP
Senior Industrial Hygienist, National Institute For Occupational Safety and Health

Nicola Erb
Epidemiologist, National Jewish Medical and Research Center

- How do the symptoms observed in children present at clandestine drug laboratories relate to the chemical exposures within the laboratory?

- Based on the potential exposures at clandestine drug laboratory seizures, what personal protective equipment should be worn and during what phases should it be worn?

- Based upon the potential exposures at the laboratory sites, what components should the medical screening program for responding personnel contain?

Although not all of these questions have been completely answered by this report, we do have a significant start on answering many of the questions. We have obtained valuable information on the types and magnitude of chemical exposures associated with cooks involving the red phosphorous method of methamphetamine manufacturing. We have also begun to determine how widespread the contamination during these cooks can become and how it may effect the persons conducting the cook, bystanders (including children and spouses) in the same building, and law enforcement personnel responding to the clandestine laboratory. Based on the information that has been gained from this project, we can shed light on a number of areas such as chemical exposures, expected symptoms, suggested personal protective equipment, and concerns regarding children exposed to these environments.

Chemical Exposures Associated with Clandestine Methamphetamine Laboratories:

Based on our sampling results, the chemical exposures of greatest concern produced during the manufacture of methamphetamine (especially using the red phosphorous method) consist of phosphine, iodine, hydrogen chloride, solvents, and the drug or its precursors. During the cooking phase, exposure levels of all of these compounds may meet or exceed current occupational exposure guidelines. This is especially true of exposures to phosphine, iodine, and hydrogen chloride. Each of these compounds may exceed the occupational exposure guidelines as set by the Occupational Safety and Health Administration (OSHA) and by the American Conference of Governmental Industrial Hygienists (ACGIH).

Phosphine:

During our sampling efforts at the Colorado Springs Police Department and at our own controlled cook, phosphine was generated during the red phosphorous methamphetamine cooks. Phosphine was produced at levels ranging from less than 0.17 mg/m^3 to 4.84 mg/m^3 during the cooking phase of the process. It was produced on all occasions during the cook and not just during an overheating event, as has been suggested in the past. No detectable levels (<0.17 mg/m^3) of phosphine were produced during the hotel cook suggesting that phosphine may be contained by sealing the cooking vessel and providing more water in the cook. The current ACGIH TLV for phosphine is 0.42 mg/m^3 on an

eight-hour time weighted basis with a STEL of 1.4 mg/m^3. The highest level observed was four times the STEL, suggesting that overexposure to phosphine is highly likely.

Phosphine is a severe pulmonary irritant that may cause dyspnea, headache, paresthesia, diplopia, tremor, jaundice, and pulmonary edema. Death from exposure to phosphine has occurred to persons exposed as it was being used as an insecticide.[4] Fatalities thought to be due to phosphine exposure were also linked to a methamphetamine laboratory in Los Angeles, CA where three persons were found dead in a motel room.[5] A laboratory investigator was also reported by Burgess [6] to have developed dizziness, dry cough, headache, and diarrhea, with a delayed onset of cough and dyspnea, after investigating a clandestine laboratory. The exposure was measured at 2.7 ppm phosphine and the duration of exposure was approximately 20 – 30 minutes. These levels are in the same range as the levels measured during our investigation. In workers, phosphine exposure has been shown to cause gastrointestinal, respiratory, and central nervous symptoms at concentrations that are less than 10 ppm.[7]

There are a number of reasons why phosphine intoxication may be more common than reported. Phosphine does have a detectable odor but it may be less readily identified with the presence of the more odorous hydrocarbons present during the cook. In addition, the pulmonary toxicity of phosphine may occur shortly after exposure or it may be delayed for 18 hours or more. These factors may result in fewer reported symptoms, although pulmonary irritation is a common complaint after a clandestine laboratory investigation.

Children and adults that are especially susceptible to pulmonary problems, such as asthmatics, individuals with chronic obstructive pulmonary disease, emphysema, etc, may show significantly greater effects to exposure levels of phosphine that are well below the concentrations allowed in the occupational environment. Unfortunately, at this time, there are no published data regarding acceptable levels of exposure for the general population to phosphine. The effects to these sensitive individuals are, therefore, not known at this time.

Iodine:

Airborne iodine concentrations during the Colorado Springs Police Department cooks were found to be very high, ranging from 2.3 to 37 mg/m^3. The levels produced during the controlled cooks ranged from 0.07 mg/m^3 to 1.6 mg/m^3. These levels are close to or exceeding the current ACGIH Ceiling TLV of 1.0 mg/m^3. The release of iodine during the red phosphorous cook becomes very obvious when the dark brown effluent is observed. In addition, the walls in many of the cook areas appear to have a brownish yellow stain that is reactive with spray starch forming a dark blue color indicating the presence of iodine.

Airborne iodine is a very heavy halogen vapor that is considered to be more irritating and corrosive than bromine or chlorine gases. In animal studies, iodine vapor has been found to be intensely irritating to mucous membranes, causing damage in both the upper and lower portions of the respiratory tract. Iodine vapors can be an intense irritant to the

eyes, mucous membranes and skin. It has a steep effects curve in that concentrations of 1 mg/m^3 may cause very little effect while levels of 3 mg/m^3 cause severe irritation.[8]

Although there have been no documented cases of over-exposure to iodine vapor in clandestine methamphetamine laboratories reported in the literature, iodine would be a plausible cause of mucous membrane and eye irritation reported at many of these investigations. Iodine may persist for some time in the walls, carpeting, draperies, etc. present in many of these clandestine laboratories. The fact that it is commonly observed on the walls, even after months of no cooking, suggests that it can be very persistent.

The fact that the iodine is persistent in the environment of the cook is very important to the children that are present in the clandestine laboratories as well as children who inadvertently become residents in a building previously used as a methamphetamine laboratory. Children crawling on contaminated carpeting may pick up high levels of iodine. In addition, based on an evaluation by the Colorado Department of Public Health and Environment, the population-based exposure concentration should be less than 0.001 mg/m^3, three orders of magnitude below the occupational exposure level.[9]

Hydrogen Chloride:

Hydrogen chloride levels were measured during all methamphetamine cooks, including periods where hydrogen chloride was not expected. The levels ranged from less than detectable to a time-weighted average of 14.6 mg/m^3. Peak levels measured during the controlled cook ranged as high as 56.2 mg/m^3. The most recent change to the current ACGIH TLV for hydrogen chloride was proposed in 2003 and is a ceiling value of 3.0 mg/m^3, much lower than the levels that have been found during the controlled cooks that we have conducted. In fact, the Immediately Dangerous to Life and Health (IDLH) level for hydrogen chloride is 74.5 mg/m^3 which is being approached by the levels generated during the salting-out phase conducted during the controlled cooks.[10]

Exposure to high levels of hydrogen chloride have been known to cause both acute and chronic effects. One individual exposed during a swimming pool cleaning effort developed severe bronchospasm and asthma. Workers exposed to as little as 15 mg/m^3 of hydrogen chloride experienced work impairment. Hydrogen chloride is a strong irritant of the eyes, mucous membranes, and skin at levels that are well below the levels that we have measured during our controlled cooks. It would seem likely that individuals exposed to the measured concentrations that we have found would have acute symptoms from the exposure.[10]

Young persons and individuals with pulmonary problems may show much greater effects from a hydrogen chloride exposure than would an individual with an occupational exposure. The reference level proposed by the Colorado Department of Public Health and Environment for hydrogen chloride was set at 0.02 mg/m^3, a level that is one hundred times lower that the proposed ACGIH TLV.[9] It is important to realize that this level is likely exceeded during production at all clandestine methamphetamine laboratories.

Methamphetamine Exposures:

Methamphetamine contamination of buildings used to cook methamphetamine was a common finding in all of the labs tested. Even labs that had been busted several months prior to testing still had high contamination levels of methamphetamine present on many surfaces within the building. Samples as high as16,000 ug/sample were found with most samples over 25 ug/100 cm^2.

Although the effects of methamphetamine are well known on individuals using the drug, the effects of low level exposures to emergency personnel or other associated individuals are not as well known. It is known that methamphetamine may cause some teratogenic effects and may change behavior in exposed infants. Prenatal exposure to methamphetamine has been shown to cause an increase in pre-term labor, placental abruption, fetal distress, and postpartum hemorrhage. Infants exposed to methamphetamine are generally smaller, have feeding difficulties, and are described as "very slow". Infants born to mothers that have used methamphetamine during pregnancy may have abnormal sleep patterns, poor feeding, tremors, and hypertionia. In some reports, subtle neurological abnormalities have also been found.[11]

Currently, allowable levels for a residence that has been used as a clandestine laboratory to be re-occupied range from 0.1 ug/ft^2 to 5 ug/ft^2. Most states and local jurisdictions have adopted 0.5 ug/ft^2 or 0.5 ug/100 cm^2. These levels have been set primarily at the limit of detection for the compound since, at this time, no safe level has been established. Since the drug appears to settle out on all porous surfaces in the area in which the cook is conducted, it is difficult to determine the actual dose of individuals working within that atmosphere. It is logical to assume that hand contamination will result in oral ingestion, especially in the case of children, but it may also be possible for the drug to penetrate the skin of adults involved in the investigation. The State of California has recently begun to study the possibility of skin absorption and its role in methamphetamine exposure.

We have also found that police officers handling suspects or children at the scene, for very short periods of time, can become contaminated with methamphetamine. It is possible, therefore, for these individuals to carry this material off of the scene and to their own families. Since there has not been a no-effect level established for this drug at this time, it would seem prudent to minimize exposure to as low as possible.

Suggested Personal Protective Equipment Requirements:

Our study has shown that exposures to a variety of chemical compounds may occur during the investigation of clandestine methamphetamine laboratories. During a cook, the exposures at the lab may approach IDLH levels, which by definition may be extremely dangerous to the lives and health of investigating officers. Recent studies have shown that individuals responding to clandestine methamphetamine laboratory investigations have a good chance of being injured. Of 112 methamphetamine-associated hazardous materials events reported to the Centers for Disease Control, 53% resulted in

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SENATE PUBLIC HEALTH, WELFARE & SAFETY
EXHIBIT NO. # 4
DATE: 3-30-05
BILL NO. HB 60

MONTANA 59TH LEGISLATURE
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
March 30, 2005

TESTIMONY IN SUPPORT OF HB 60

JOHN ARRIGO
Department of Environmental Quality

Introduction
Mr. Chairman and members of the committee, my name is John Arrigo and I am administrator of the DEQ Enforcement Division and I am here to testify in support of HB 60.

Background
The DEQ has received complaints and inquiries about pollution associated meth labs since the late 1990's. DEQ was initially resistant to get involved with the cleanup of meth labs because the environmental laws administered by the Department do not relate to indoor pollution. We regulate sources that may pollute the air outside, the streams or the soil. The Department does not have the authority or standards to regulate indoor air quality or contamination in carpets or walls.

Currently, if a meth lab is discovered, the regional drug task force removes and properly disposes of the bottles and cans of chemicals that may be left behind. DEQ's involvement has been limited to sites where these chemicals have been dumped into the environment, onto the ground, into a stream, or into a sewage system. Thankfully there have not been any sites where the outdoor pollution from a meth lab has been significant. However, the owners of the structure are left without any guidance from the state agencies or local health departments on how to deal with interior of a home or building that may be contaminated with residual chemicals from meth manufacturing.

HB 60 creates and funds a program to address this need. Most importantly, HB 60 establishes a decontamination standard for methamphetamine. HB 60 creates a program within the DEQ to train and certify meth lab cleanup contractors. If HB 60 is passed, DEQ will hire an Occupational Health and Safety Specialist to develop a training and certification program, and to develop standard methods for the assessment, testing and remediation of contaminated properties. In accordance with HB 60, DEQ will also establish procedures to list and remove sites from the required web-based list of contaminated properties. HB 60 also provides immunity from liability for property owners if their property is properly decontaminated or assessed to demonstrate that it is not contaminated.

Passage of HB 60 will help address the concerns about indoor pollution from meth labs and provide a process for owners to have their property cleaned up. The Department of Environmental Quality supports HB 60 and requests a do-pass vote. Mr. Chairman, that concludes my testimony and I will remain available for questions.

PUBLIC HEALTH, WELFARE & SAFETY
NO. #5
3-30-05
BILL NO. #1060

Cleaning Up Hazardous Chemicals at Methamphetamine Laboratories

Human health hazards can remain after the seizure of a clandestine methamphetamine laboratory. Local health departments, under Wisconsin State Statute 254, are responsible for dealing with human health hazards. This fact sheet summarizes current Wisconsin Department of Health and Family Services recommendations for the cleanup of chemical residues at former meth lab sites. Contact the Department for further assistance when dealing with high production meth labs. For more information on how to recognize a meth lab, contact the Narcotics Bureau of the Wisconsin Division of Criminal Investigations.

What is methamphetamine?

Methamphetamine, an illegal substance also known as "meth," "speed," "crank," "crystal," and "ice", is a potent synthetic drug that is a stimulant of the central nervous system. The effects of meth are similar to those of cocaine. It gives the user a "rush" or intense feeling of pleasure that lasts longer than cocaine. Meth is an increasingly popular drug that can be injected, snorted, taken orally, or smoked. Long-term use leads to physical dependence. Meth may give a person periods of high energy and rapid speech. Many chronic meth users also experience severe depression, delusions, hallucinations, paranoia, and violent behavior. **For this reason, you should never enter an active meth lab. Contact your local law enforcement immediately.**

Meth is often made in makeshift laboratories, such as rented apartments or hotel rooms. During the production of meth, a property can become contaminated with hazardous chemicals.

What chemicals is meth made from?

There are many different chemical "recipes" for making or "cooking" meth. Each uses different ingredients. Many chemicals used in meth labs are also common in homes. However, the poor handling and disposal of these chemicals, as well as mixing incompatible compounds, can create hazards. Some examples of common household chemicals used in a meth lab include flammable, volatile solvents, such as methanol, ether, benzene, methylene chloride, trichloroethane, and toluene. Other common household chemicals include muriatic acid, sodium hydroxide, table salt, and ammonia.

Meth-related chemicals not commonly found in large amounts in homes include anhydrous ammonia, red phosphorous, iodine, reactive metals, and other solvents not listed above. Additionally, other hazardous chemicals can be formed during the "cooking" process.

As a result of meth "cooking", many chemicals may contaminate a property. Some household materials, such as carpeting, wallboard, ceiling tile, or fabric, may actually absorb spilled chemicals. Furniture or draperies may also become contaminated. Soil or groundwater (including nearby drinking water wells) may become contaminated if chemicals are dumped in a septic system or on the ground.

What happens after a meth lab is discovered?

When a meth lab is discovered, the local law enforcement agency and/or the Division of Criminal Investigations, is responsible for making arrests and seizing the lab. Evidence is removed from the site, and chemical hazard consultants are brought in by law enforcement to remove containers of hazardous chemicals related to the operation of the meth lab. Officials will also screen indoor air. Law enforcement may call child protective services if children are involved.

Once the main sources of chemicals related to the former lab have been removed, the health department is called in to evaluate the property for long-term exposure risks from residual chemicals. Additionally, the Department of Natural Resources may be called in to assess any environmental impacts from chemical spills or improper waste disposal.

Next steps for local health departments called in after a lab seizure

Before entering a former meth lab, call the local law enforcement agency and/or Division of Criminal Investigations to get information on the seizure. Ask about: the amounts and types of chemicals used in the meth production; whether there was evidence of solvent use, chemical spills, or unusual odors; where the production was occurring; whether it was a low or high production lab*; and the general level of sanitation existing on the property.

When visiting a site for the first time, have a member of local law enforcement or the Division of Criminal Investigations familiar with the site accompany you.

Will exposure to chemicals in a meth lab result in harmful health effects?

While still in operation, or prior to a seizure, there is a high risk for acute exposure to harmful chemicals in meth labs. If you discover an **active** meth lab, do not attempt to enter. Contact your local law enforcement agency immediately.

Many of the chemicals used in the "cooking" process can be harmful. Short-term exposures to high concentrations of chemical vapors that may exist in a functioning meth lab can cause severe health problems or even death. For this reason, meth "cookers", their families, and first responders are at highest risk of acute health effects from chemical exposure, including lung damage and chemical burns to different parts of the body. Heating solvents inside a building can create a highly flammable situation; meth labs are often discovered when fire fighters respond to a blaze.

After a bust and seizure of a meth lab there is often only a low exposure risk to chemical residues, but this contamination needs to be cleaned up. However, properties often have serious sanitation and safety issues (i.e., physical and electrical hazards may exist). Sanitation issues can complicate the assessment of chemical hazard risk. Any evaluation needs to consider the overall condition of the property.

Chemical residues and lab wastes that are left behind at a former meth lab can also result in health problems for people who use the property. Unsuspecting people can touch residues of meth and have symptoms similar to those experienced by meth users. For this reason, local health departments should thoroughly assess the property for hazards prior to allowing it to be re-inhabited, especially by children.

When a meth lab is discovered in a multiple-unit dwelling, neighbors may be concerned about their exposure to hazardous chemicals while the lab was still active. While neighbors' risk for exposure is usually very low both before and after a meth lab bust, it is important to address any nearby residents' concerns.

What kind of protective equipment can prevent chemical exposure?

At a minimum, all people entering a former meth lab before law enforcement/Division of Criminal Investigations led cleanup and removal of chemicals should wear protective eye, hand and foot covering. Disposable gloves (e.g. latex or nitrile) and a disposable protective jumpsuit (e.g. Tyvek) are recommended. If toxic fumes or vapors are suspected, only trained professionals should enter and clean the building with appropriate safety equipment.

How can a meth lab be cleaned up?

Since illegal drug labs are an emerging problem, there are currently no official regulations on exactly how to clean up former meth labs, particularly inside of a building. Situations are different in each meth lab. The Department has worked with other agencies to provide the following meth lab clean up procedures that will protect the public and be practical for property owners.

Sometimes scrubbing and painting is all that is necessary to restore a former meth lab to a safe living environment. Sometimes, contamination is so broad and extensive that the inside of the building needs complete renovation. Across the

* Always contact the Department of Health and Family Services for more assistance before proceeding in cases of high production labs.

U.S., the response to cleaning up former meth lab properties ranges from minor cleaning to complete demolition of buildings. Some meth labs require soil and/or groundwater cleanup as well, depending on the extent of how and where chemical wastes were managed.

Property owners are responsible for proper clean up and costs. Owners who decide to clean buildings on their own should be aware that household building materials and furniture may absorb contaminants and, in some cases, give off fumes. Private cleanup contractors can be hired to conduct building cleanup as well.

Is sampling needed at former labs?

There is currently no national or state consensus on sampling at former meth lab buildings. The Department currently recommends that sampling is usually not needed. A qualitative approach to clean up, including visual assessment and walk-through, is just as effective at identifying risk.

If chemicals have been dumped or spilled in the environment (on the ground, in a septic system, etc.), the Department of Natural Resources will assess the need for environmental sampling, and has specific guidelines to address environmental contamination.

What are acceptable clean up levels for buildings?

There are no pre-determined clean up levels inside a building or home for the many chemicals associated with meth labs. A risk assessment may be necessary to evaluate the potential for exposure on a case-by-case basis.

Until a former meth lab is cleaned, no one should enter the area without foot and hand protection (shoes and gloves) at a minimum. Furthermore, no one should rent, purchase, or occupy the site of the former meth lab until approved cleaning has occurred.

General guidelines for building clean up

- *General sanitation*

Be aware that general sanitation issues often exist at former meth labs. These issues can complicate the site assessment process, and may include general filth, squalor, and rodent and pest infestations.

- *Air out the building*

After law enforcement officials seize a lab, professionals trained to handle hazardous materials are called in to remove lab waste and any bulk chemicals. During this removal, every effort is made to air out the building for the safety of the removal crew. For security reasons, the building is usually closed upon their departure. The short-term airing-out may not be sufficient to clear the indoor air of solvents that were spilled and remain inside. The building should be aired out for several days before and during cleaning. Exhaust fans can also be set up to circulate the air. During this time, the building should remain off limits unless it is necessary to make short visits to the property.

After the cleaning and airing-out the building, it should be re-checked for staining and odors. If the initial cleaning was not successful, more extensive steps should be taken.

- *Remove and dispose of contamination*

During the meth "cooking" process, splashed and spilled chemicals, supplies and equipment, may have contaminated non-lab items. Remove, double-bag, and properly dispose of any items that are visibly contaminated.

If you find suspicious containers or lab equipment at the property, do not handle them. Leave the area and contact your local law enforcement agency or fire department. It's possible that some items may have been accidentally left behind by law enforcement. If a hazardous materials clean up team searched the property, the items are probably not dangerous. But, some items may be overlooked in the debris or confusion.

Absorbent materials, such as carpeting, drapes, clothing, furniture, etc., can accumulate dust or splattered chemicals during "cooking." It is recommended these materials be disposed of if an odor or discoloration is present.

- *Inspect surfaces, remove or clean as needed*

Surfaces, such as walls, counters, floors, and

ceilings, are porous and can hold contamination from the meth "cooking" or preparation process. Clean up is important because of frequent contact with these surfaces, e.g. food preparation, etc.

If a surface has visible contamination, staining, or gives off odors, complete removal and replacement of the surface is recommended. This could include removal and replacement of wallboard, floor coverings and counters.

Appliances where meth was stored or "cooked", such as refrigerators, kitchen ranges, or ovens, should be disposed of and replaced.

Wear gloves, protective clothing, such as long sleeves, and eye protection while cleaning. Again, ventilation of the building should be continued throughout the cleaning process.

- *Inspect plumbing*

While some of the waste products generated during meth manufacture may be thrown along the sides of roads or in yards, most are dumped down sinks, drains, and toilets. These waste products can collect in drains, traps, and septic tanks and give off fumes.

If a strong chemical odor is coming from household plumbing, do not attempt to address the problem yourself. Contact a plumbing contractor for professional assistance. Let the contractor know that the property is a former meth lab and inform him/her of the types and quantities of chemicals that may have been routinely flushed down the drains. If you suspect the septic tank or yard may be contaminated, contact the local health department.

- *Repaint surfaces*

After a surface has been cleaned, painting that surface should be considered, especially where contamination was found or suspected.

If there is any remaining contamination not removed by cleaning, painting the surface puts a barrier between the contamination and anyone who may come in contact with those surfaces. Painting will cover up and "lock" the contamination onto the surface, reducing the chance of it being released into the air.

Summary steps for building clean up:

1. Contact your local law enforcement agency to determine what chemicals were present at the time of seizure.
2. Have local law enforcement personnel accompany you when visiting the site.
3. Thoroughly ventilate the building before and during clean up.
4. Until a former meth lab is cleaned, do not enter the area without foot and hand protection (shoes and gloves) at a minimum.
5. Remove and dispose of all unnecessary items.
6. Remove visibly contaminated items or items that have an odor.
7. Clean all surfaces using household cleaning methods and proper personal protection.
8. Leave plumbing cleaning to the experts.
9. Air out the building for 3 to 5 days.
10. If odors or staining remain, have the building evaluated by a professional.

Should testing be done after clean up?

Testing can be done after clean up, but at this time the Department of Health and Family Services does not recommend it. The cleaning procedures outlined in this document, when followed correctly, should be adequate for reducing any health hazard risk. If you are dealing with a high production meth lab, call the Department for more assistance. Division of Criminal Investigations will determine if the site was a high production lab.

For more information, contact:
Wisconsin Division of Public Health
Bureau of Environmental Health
1 West Wilson Street, Box 2659
Madison, WI 53701-2659
(608) 266-1120
www.dhfs.state.wi.us/eh

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PPH 7144 (Rev. 11/03)

SENATE PUBLIC HEALTH, WELFARE & SAFETY
EXHIBIT NO. #6
DATE: 3-30-05
HB60

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Odor Masters uses the "Rotobrush" system. This system is self conti spinning brushes that are controlled by the technician, pulling dust (series of HEPA filters. This type of service should be performed year sufferers or once every three years for dust management. Sanitizing associated with allergy sufferers. A protein counteractant is applied atomizer directly into the main intake. This solution is designed to k airborne contaminants.

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Deodorizing

Pet odors, smoke odors, protein odors (spoiled food, meats etc.) sm We can remove these odors with a wide range of chemical treatmen for the specific odor. All solutions are EPA approved and are biodegr Masters uses black lights to locate and identify quantities of urine sc the right recommendation to our clients.

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Crime-Scene Clean-up

Unfortunately this is a dirty job but someone has to do it. Crime sce homicides, suicides and deaths from natural causes can leave behin of unidentified bodily fluids containing all kinds of bacteria including HEPITITUS just to name a few. This type of clean-up requires specia Masters is discrete and professional, we realize this is a tough exper involved and are sensitive to the situation.

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Meth-lab Clean-up

Extremely hazardous, methamphetamine labs are never set up by p Improper handling of substances such as red phosphorus and/or eth explosions. (Quick tip: red phosphorus when airborne will oxidize dc cabinet hardware turning them green) This type of situation require: encapsulated suits, respirators gloves and protective eye wear.

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Inspections

Odor masters performs home inspections with the sole purpose of ic trapped moisture issues, mold growth and any/all types of bio-hazai sewer gasses, pigeon infestation and many more. We use the latest available. Each meter has a different purpose from measuring gas ir identifying trapped moisture in sheetrock, baseboards and behind al Every inspection comes with a written report stating our findings an recommendations where needed.

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Remediations

Remediation comes from the word, REMEDY, to put right! Most rem simple. Regardless of weather we are dealing with mold growth, pig asbestos, the guidelines are easily interpreted. The quantity of conti materials dictates the size of the containment area and the number pressure machines required to perform the abatement. Once all con materials have been removed any structural material should be seal approved encapsulate. Once the remediation is complete a second i performed to make sure all efforts have been made to address the s residence meets EPA requirements and Nevada Revised Statute 118

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Air sampling

In certain situations, post remediation sampling is sometimes recom purpose of comparing indoor readings with outdoor readings; howev will only make this recommendation when large amounts of visible c present (more than 20sqaure feet) or when the contaminated mate disturbed prior to the remediation process. Sampling prior to abater the type of mold is more often than not a waste of money, since reg results the remediation process remains the same.

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24 Hour Emergency Extraction

Flooding can become a possible bio-hazard if water is no within a reasonable period of time. Odor Masters is avail to extract clean water only!

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Should you have any questions regarding our service please feel fre mail and one of our office staff will be more than happy to help you.

Ian N. Simon - VP Operations

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Web Design by **Micah Jonathan Bleecher and Associates**

TEXAS WORKERS' COMPENSATION COMMISSION

SENATE PUBLIC HEALTH, WELFARE & SAFETY
EXHIBIT NO. 7
DATE 3-30-05
HB 60

Methamphetamine Hazards for Hotel/Motel/Apartment Workers and Rental Property Owners

Provided by

Workers' Health & Safety Division

HS04-056A (11-04)

Methamphetamine Production and Processing Dangers

There are many dangers associated with the production and processing of synthetic and illegal drugs. The danger is not only to law enforcement agents, but also to workers who may come in contact with the production sites or labs. Workers at most risk include hotel, motel, and apartment employees and rental property owners, who may encounter a Clandestine Lab or methamphetamine lab. The main risk associated with these laboratories is the hazardous chemicals used to make illegal drugs, such as methamphetamine.

Methamphetamine (Meth, an illegal substance also known as "meth," "speed," "crank," "crystal," and "ice"), is a potent synthetic drug that is a stimulant of the central nervous system. The effects of meth are similar to those of cocaine. It gives the user a "rush" or intense feeling of pleasure that lasts longer than cocaine. Meth is an increasingly popular drug that can be injected, snorted, taken orally, or smoked. Long-term use leads to physical dependence. Meth may give a person a feeling of high energy, increased physical activity, talkativeness, alertness, enhanced self-confidence, and extreme elation. Many chronic meth users also experience withdrawals through severe depression, delusions, hallucinations, paranoia, and violent behavior. For this reason, you should never enter an active meth lab. Contact your local law enforcement.

Law enforcement officials say extended-stay hotels and motels are popular with drug makers because they have working kitchens and allow them to remain nameless. Clandestine labs or meth labs may also be found in rural, city, and suburban residences; barns, garages, and other outbuildings; back rooms of businesses; storage facilities; vacant buildings; and vehicles.

If you work at a hotel, motel, apartment, or lease or rent property there are signs someone is manufacturing/cooking methamphetamine:

- Hotel or apartment windows are blacked-out or taped-up or doors are reinforced.
- An increase in activity, especially at night.
- Strong smell that might resemble urine or unusual chemical smell like ether, ammonia, or nail polish remover (acetone).
- Residents never put out their trash.
- Little or no traffic during the day, but lots of traffic at extremely late hours.
- Residents open windows in cold weather.
- Complaints from neighbors about strange smells coming from the property.

What is a Clandestine Laboratory or Meth Lab?

A **clandestine laboratory or meth lab** is used to make illegally controlled substances, such as methamphetamine. These laboratories are typically small and use common household appliances, glassware, and readily available chemicals. While some clandestine laboratories may be located in business areas, they are most frequently located in residential or rural areas.

There are many different methods for producing methamphetamine. Each method has its own built-in dangers. Many of the chemicals used are caustic or corrosive and some of the processes create poisonous fumes. Additionally, many of the chemicals can be found in common household items such as lantern fuel, cleaners, acetone, muriatic acid and diet pills.

Clandestine laboratories present numerous hazards to people and the environment. Extreme potential for fires, explosions, and exposure to hazardous chemicals and fumes are but a few. Additionally, clandestine labs are considered hazardous waste sites and should only be entered by trained and equipped professionals. **Anyone finding a clandestine laboratory or meth lab should not enter and immediately contact local law enforcement or the Texas Department of Public Safety at 1-800-868-6274.**

What Chemicals are Meth made from?

The processing required to make methamphetamine is easier and more accessible than ever, because of recipes and information about making methamphetamine available on the Internet. The drug can be made in a makeshift "lab" that can fit into a suitcase. Many over-the-counter medications and chemicals are ingredients used to produce methamphetamine: medications containing ephedrine or pseudoephedrine, red phosphorous, hydrochloric acid, anhydrous ammonia, drain cleaner, battery acid, lye, lantern fuel, and antifreeze. Some examples of common household chemicals used in a meth lab include flammable, volatile solvents, such as methanol, ether, benzene, methylene chloride, trichloroethane, and toluene. Other common household chemicals include muriatic acid, sodium hydroxide, table salt, and ammonia. Meth-related chemicals not commonly found in large amounts in homes include anhydrous ammonia, red phosphorous, iodine, reactive metals, and other solvents not listed above. Large amounts of industrial and agricultural chemicals, which are either purchased or stolen, are used in the production of methamphetamine and

are used in large labs known as "super" labs. Additionally, other hazardous chemicals can be formed during the "cooking" process.

However, the poor handling and disposal of these chemicals, as well as mixing incompatible compounds, can create hazards. These hazardous chemicals are sometimes dumped on the ground or in nearby streams and lakes, or simply left behind. These toxic waste products can remain for a long time as residue on bathtubs, toilets or sinks. As an example, motel rooms and apartments that are used to make meth can be a health risk to the next unsuspecting tenants.

For each pound of finished product, these labs typically have five to six pounds of hazardous waste left over which is most always disposed of inappropriately. Sometimes it's buried or taken to remote locations. Sometimes it's just flushed down the toilet. These waste products can sterilize soil and poison local water tables. Dumping it down the drain can contaminate municipal sewage systems by reacting with chemicals used in treatment plants. As a result of meth "cooking", many chemicals may contaminate a property. Some household materials, such as carpeting, wallboard, ceiling tile, or fabric, may actually absorb spilled chemicals. Furniture or draperies may also become contaminated. Soil or groundwater (including nearby drinking water wells) may become contaminated if chemicals are dumped in a septic system or on the ground.

If someone smells strong odors, should the doors be opened or windows broken to relieve the odor before the criminal investigators arrive?

No. Suspected methamphetamine labs should not be ventilated unless done by certified lab personnel, law enforcement, or individuals wearing the proper protective equipment.

What happens after a meth lab is discovered?

When a meth lab is discovered, the local law enforcement agency is responsible for making arrests and seizing the lab. Evidence is removed from the site, and chemical hazard consultants are brought in by law enforcement to remove containers of hazardous chemicals related to the operation of the meth lab.

What should local health departments do when called in after a meth lab seizure?

Before entering a former meth lab, call the local law enforcement agency to get information on the seizure. Ask about: the amounts and types of chemicals used in the meth production; whether there was evidence of solvent use, chemical spills, or unusual odors; where the production was occurring; whether it was a low or high production lab; and the general level of sanitation existing on the property.

Will exposure to chemicals in a meth lab result in harmful health effects?

While still in operation, or prior to a seizure, there is a high risk for acute exposure to harmful chemicals in meth labs. If you discover an **active** meth lab, do not attempt to enter. Contact your local law enforcement agency immediately.

Many of the chemicals used in the "cooking" process can be harmful. Short-term exposures to high concentrations of chemical vapors that may exist in a functioning meth lab can cause severe health problems or even death. For this reason, meth "cookers", their families, and first responders are at highest risk of acute health effects from chemical exposure, including lung damage and chemical burns to different parts of the body. Heating solvents inside a building can create a highly flammable situation; meth labs are often discovered when fire fighters respond to a blaze.

After a bust and seizure of a meth lab there is often only a low exposure risk to chemical residues, but this contamination needs to be cleaned up. However, properties often have serious sanitation and safety issues (i.e., physical and electrical hazards may exist). Sanitation issues can complicate the assessment of chemical hazard risk. Any evaluation needs to consider the overall condition of the property.

Chemical residues and lab wastes that are left behind at a former meth lab can also result in health problems for people who use the property. Unsuspecting people can touch residues of meth and have symptoms similar to those experienced by meth users. For this reason, local health departments should thoroughly assess the property for hazards prior to allowing it to be re-inhabited, especially by children.

When a meth lab is discovered in a multiple-unit dwelling, neighbors may be concerned about their exposure to hazardous chemicals while the lab was still active. While neighbors' risk for exposure is usually very low both before and after a meth lab bust, it is important to address any nearby residents' concerns.

What kind of protective equipment can prevent chemical exposure?

All people entering a former meth lab should wear protective eye, hand, and foot covering; disposable gloves

(e.g. latex or nitrile); and a disposable protective jumpsuit (e.g. Tyvek). If toxic fumes or vapors are suspected, only trained professionals should enter and clean the building wearing protective equipment and equipped with a National Institute for Occupational Safety and Health (NIOSH) approved air supply respiratory.

What is the cost of cleaning up a clandestine methamphetamine lab?

Cleanups of labs are extremely resource-intensive and costly. The average cost of a cleanup is about $5,000, but some cost up to $100,000 or more.

How can a meth lab be cleaned up?

Unfortunately the property owners are responsible for proper clean up and costs. Owners who decide to clean buildings on their own should be aware there are currently no official regulations on exactly how to clean up former meth labs in Texas, particularly the inside of a building. Situations are different in each meth lab. Sometimes scrubbing and painting is all that is necessary to restore a former meth lab to a safe living environment. Other times the contamination is so broad and extensive that the inside of the building needs complete renovation. Some meth labs require soil and/or groundwater cleanup as well, depending on the extent of how and where chemical wastes were managed. Also that household building materials and furniture may absorb contaminants and, in some cases, give off fumes. Private cleanup contractors can be hired to conduct building cleanup as well.

What are acceptable clean up levels for buildings?

There are no pre-determined clean up levels inside a building or home for the many chemicals associated with meth labs. A risk assessment may be necessary to evaluate the potential for exposure on a case-by-case basis.

Until a former meth lab is cleaned, no one should enter the area without protective hand and foot coverings. Furthermore, no one should rent, purchase, or occupy the site of the former meth lab without approval from the local or state law enforcement agency.

General guidelines for building clean up

- *General sanitation*
  Be aware that general sanitation issues often exist at former meth labs. These issues can complicate the site assessment process, and may include general filth, squalor, and rodent and pest infestations.

- *Air out the building*
  After law enforcement officials seize a lab, professionals trained to handle hazardous materials are called in to remove lab waste and any bulk chemicals. During this removal, every effort is made to air out the building for the safety of the removal crew. For security reasons, the building is usually closed upon their departure. The short-term airing-out may not be sufficient to clear the indoor air of solvents that were spilled and remain inside. The building should be aired out for several days before and during cleaning. Exhaust fans can also be set up to circulate the air. During this time, the building should remain off limits unless it is necessary to make short visits to the property.
  After the cleaning and airing-out the building, it should be re-checked for staining and odors. If the initial cleaning was not successful, more extensive steps should be taken.

- *Remove and dispose of contamination*
  During the meth "cooking" process, splashed and spilled chemicals, supplies and equipment, may have contaminated non-lab items. Remove, double-bag, and properly dispose of any items that are visibly contaminated.
  If you find suspicious containers or lab equipment at the property, do not handle them. Leave the area and contact your local law enforcement agency or fire department. It's possible that some items may have been accidentally left behind by law enforcement. If a Hazardous Materials Clean Up Team searched the property, the items are probably not dangerous. But, some items may be overlooked in the debris or confusion.
  Absorbent materials, such as carpeting, drapes, clothing, furniture, etc., can accumulate dust or splattered chemicals during "cooking." It is recommended these materials be disposed of if an odor or discoloration is present.

- *Inspect surfaces, remove or clean as needed*
  Surfaces, such as walls, counters, floors, and ceilings, are porous and can hold contamination from the meth "cooking" or preparation process. Clean up is important because of frequent contact with these surfaces, e.g. food preparation, etc.
  If a surface has visible contamination, staining, or gives off odors, complete removal and replacement of the surface is recommended. This could include removal and replacement of wallboard, floor coverings and counters.
  Appliances where meth was stored or "cooked", such as refrigerators, kitchen ranges, or ovens, should be disposed of and replaced.
  Wear gloves, protective clothing, such as long sleeves, and eye protection while cleaning. Again, ventilation of the building should be continued throughout the cleaning process.

- *Inspect plumbing*
  While some of the waste products generated during meth manufacture may be thrown along the sides of roads or in yards, most are dumped down sinks, drains, and toilets. These waste products can collect in drains, traps, and septic tanks and give off fumes.
  If a strong chemical odor is coming from household plumbing, do not attempt to address the problem yourself. Contact a plumbing contractor for professional assistance. Let the contractor know that the property is a former meth lab and inform him/her of the types and quantities of chemicals that may have been routinely flushed down the drains. If you suspect the septic tank or yard may be contaminated, contact the local health department.
- *Repaint surfaces*
  After a surface has been cleaned, painting that surface should be considered, especially where contamination was found or suspected.
  If there is any remaining contamination not removed by cleaning, painting the surface puts a barrier between the contamination and anyone who may come in contact with those surfaces. Painting will cover up and "lock" the contamination onto the surface, reducing the chance of it being released into the air.

Summary steps for building clean up:

1. Contact your local law enforcement agency to determine what chemicals were present at the time of seizure.
2. Have local law enforcement personnel accompany you when visiting the site.
3. Thoroughly ventilate the building before and during clean up.
4. Until a former meth lab is cleaned, do not enter the area without personal protective equipment covering eyes, hands, and feet.
5. Remove and dispose of all unnecessary items.
6. Remove visibly contaminated items or items that have an odor.
7. Clean all surfaces using household cleaning methods while wearing proper personal protection.
8. Leave plumbing cleaning to the experts.
9. Air out the building for 3 to 5 days.
10. If odors or staining remain, have the building evaluated by a professional.

If you suspect that someone is producing meth, contact your local law enforcement or call the Texas Department of Public Safety at 1-800-868-6274.

Remember to practice safety. Don't learn it by accident.

This publication was published with information from the Kansas Bureau of Investigation, the Wisconsin Department of Health, the Texas Department of Public Safety, and the Texas Workers' Compensation Commission

provided by
Texas Workers' Compensation Commission
E-mail **resource.center@twcc.state.tx.us**
or call (512) 804-4620 for more information.

TEXAS WORKERS' COMPENSATION COMMISSION

Safety Violations Hotline
1-800-452-9595
safetyhotline@twcc.state.tx.us

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

PUBLIC HEALTH, WELFARE, AND SAFETY

DATE 3/30/05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. BRENT CROMLEY, CHAIRMAN	✓		
SEN. JOHN COBB	✓		
SEN. JOHN ESP	✓		
SEN. DUANE GRIMES	✓		
SEN. LYNDA MOSS	✓		
SEN. JERRY O'NEIL	✓		
SEN. TRUDI SCHMIDT		✓	
SEN. DAN WEINBERG	✓		
SEN. CAROLL WILLAMS	✓		
DAVID NISS, LSD	✓		
RITA TENNESON, COMMITTEE SECRETARY	✓		

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

PUBLIC HEALTH, WELFARE, AND SAFETY

DATE 3-30-05 **BILLS BEING HEARD TODAY** HB169 HB 60

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Peggy Trenk		MT. Assoc. of Realtors	HB 60	✓	
Lee Baerlocher	0761	DOR	HB169		
Jim Kembel	439-6791	MACOP	HB 60	✓	
Candace Payne	431-4445	Alliance for Healthy Mt. (Heart Assn)	HB169	✓	
Jim Smith	3-1570	Sheriff's & County	HB60	✓	
Jim Smith		Cancer Soc.	HB 169	✓	
Chris Tweeten	1350	Attorney General	HB169	✓	
Brian Morris		MACo	HB 61	✓	
HALEY BEAUDRY	560-5404	DAN REILLY	HB60		X

Int ✓

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: By **CHAIRMAN MIKE COONEY**, on April 11, 2005 at 8:00 A.M., in Room 317 Capitol.

ROLL CALL

Members Present:

Sen. Mike Cooney, Chairman (D)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. John Brueggeman (R)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Steven Gallus (D)
Sen. Ken (Kim) Hansen (D)
Sen. Bob Hawks (D)
Sen. Bob Keenan (R)
Sen. Rick Laible (R)
Sen. Lane L. Larson (D)
Sen. Greg Lind (D)
Sen. Trudi Schmidt (D)
Sen. Corey Stapleton (R)
Sen. Jon Tester (D)
Sen. Dan Weinberg (D)
Sen. Carol Williams (D)

Members Excused: Sen. Don Ryan (D)

Members Absent: None.

Staff Present: Taryn Purdy, Legislative Branch
Prudence Gildroy, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 745, 4/4/2005; HB 288, 4/4/2005; HB 327, 4/4/2005; HB 531, 4/4/2005; HB 60, 4/7/2005; HB 577, 4/5/2005;

HEARING ON HB 60

Opening Statement by Sponsor:

REP. CHRISTOPHER HARRIS (D), HD 66, Bozeman, opened the hearing on **HB 60,** Indoor cleanup standards for methamphetamine labs. The Environmental Quality Council (EQC), which he served on for the last four years, looked into this issue thanks to former **SEN. CHRIS CHRISTIAENS** bringing it forward. There is no federal or state standard for clean-up. HB 60 provides a clean-up standard, the same standard adopted by Oregon and Washington and similar to about eight other states, and provides other important aspects of the cleanup process including the certification of contractors, a review of that data by the Department of Environmental Quality (DEQ), and notice to subsequent tenants or buyers. If notice is provided that decontamination has occurred, notice is no longer required for subsequent owners. This is similar to asbestos cleanup. In the absence of a cleanup standard and decontamination these properties could well be quarantined. He distributed an excerpt from a report concerning the health effects of the chemicals associated with methamphetamine production.

EXHIBIT(fcs77a10)

These chemicals are all highly toxic. The cost for the cleanup would be borne by the property owner.

Proponents' Testimony:

Ed Thamke, DEQ, read from written testimony.

EXHIBIT(fcs77a11)

DEQ worked with those concerned to amend the bill, so DEQ can feel comfortable supporting this legislation.

Chris Christiaens, Montana Landlords Association, and **Montana Farmers Union,** testified he has been trying to get something done on this issue for six years. When there is a lab and the chemicals are mixed they emit fumes that travel. In a multiple family dwelling the entire facility would have to be vacated. Insurance does not cover the damages unless there has been an explosion and fire damage. The tenants are displaced at the cost of the landlord. An entire motel can be closed down. It has been difficult to get agencies to come forward and take responsibility. DEQ has now come forward and will be putting together this program. It is critical that the funding go forward. The jury is still out on what some of the health issues

may be and the liabilities associated with failure to clean up a residence in which there has been a cook. The various components that are used as precursors can cause bronchial problems and are carcinogens.

REP. JOHN MUSGROVE, HD 34, Havre, testified since 2001 they have been working on a bill like this. When the drug task force comes in to a property and finds drugs on that property they write a letter and put that letter in the clerk of the court's office effectively putting a lien on the property. There has been no way to deal with the cleanup in such a way that clears that egregious situation and gives the full use of the property back to the property owner. In Havre a person had to tear down a rental because it had a drug lab in it. Whether methamphetamine was stored or cooked there, it is all treated the same. Prior to and during the 2003 session he worked with **REP. JILL COHENOUR** and staff to put forth a bill, but they found they did not have enough information at that time.

Joan Miles, Lewis and Clark City/County Health Department, asked for support for the bill on behalf of the health departments from Lewis and Clark, Missoula, Gallatin, Cascade, Yellowstone, Flathead, and Butte Silverbow Counties. There is no consistent statewide policy for what happens after a meth lab is busted and after the physical chemicals and equipment are removed. Public Health Departments, DEQ, and DPHHS have no authority to quarantine property. Language in public health statutes say that health boards can require the cleanup of filth that might cause disease. In some counties after a meth lab is busted it gets recorded on the properties. This bill will give a consistent statewide policy. This is a benefit to the public, the landowners, property owners, hotel/motel owners, car rental businesses, storage facility businesses, etc.

Jim Campbell, Montana Association of Chiefs of Police, and **Police Protective Association,** spoke of a young officer whose doctor has cut him off from busting labs until further testing is done. This could also happen to an innocent family.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. LAIBLE inquired if any of these properties have been cleaned up. **Mr. Thamke** thought some property owners made an attempt. **SEN. LAIBLE** asked how long the rulemaking process would take and how long it would take to get certification of these contractors.

He wondered what happens to the materials that are removed from these properties. **Mr. Thamke** advised they are working on this already and have been for a number of years. If placement of a methamphetamine program were to occur within his bureau there is economy of knowledge regarding certification of contractors. He wanted people who contract to do this work to be protective of their employees.

{Tape: 3; Side: A}

He was hopeful they would be able to have those criteria for FY06. With regard to waste management, hazardous material waste contractors that come in on DEA (Drug Enforcement Agency) funding remove that material. What is left is solid waste. The solid waste program in the bureau continually receives calls from local landfills which are mostly municipally operated. They do not want to expose any workers when dealing with these carpets, sheet rock, and all the material that needs to be removed from these properties. There is a Solid Waste Advisory Council that will work with owner/operators of municipal solid waste landfills so they know where these labs are and have an idea of the material that might be coming to their facilities. It will not be hazardous waste, but it is special waste. **SEN. LAIBLE** asked who has the ultimate liability. **Mr. Thamke** said that is a concern. There is a sovereign immunity for the state, but he is concerned about his employees and himself. He does not want to have resources dedicated to fight unnecessary lawsuits. There was an immunity provision in the original legislation, and that was taken out during the last round of amendments. He understood the need for people to be compensated for their losses. **SEN. LAIBLE** inquired about other states and the concern about liability. **Mr. Thamke** advised Utah has their legislation up for public comment. If this legislation is successful, they will develop more rapport with sister states in the same situation so they will not have to reinvent the wheel.

SEN. TESTER asked about the effort involved in determining standards. **REP. HARRIS** thought the 0.1 micrograms per 100 square centimeters of surface material is well established. Those are the standards in Washington, Oregon, and ten other states. He did not think DEQ's top priority will be second-guessing those standards. If contractors are certified in other states, there is a reciprocity provision that recognizes them as being qualified to work in Montana unless DEQ decides they want to have more stringent certification standards in Montana. There are default provisions in the bill that will make this bill effective immediately upon the signature of the Governor. **SEN. TESTER** asked what most of the money would be used for. **REP. HARRIS** referred the question to DEQ. **Mr. Thamke** advised most of the

$124,000 in FY 06 would be for an occupational health safety professional and part-time administrative support person. The bulk of operational expenditures would be $66,500. There would be laboratory services, contracted services, and they are interested in what other chemicals are being emitted in these laboratories. **SEN. TESTER** asked who pays for the work of the contractors or if it will be the department who checks the level of contamination. **Mr. Thamke** replied the owner will pay for the contractors to do the baseline assessment. The people of Montana are investing in the oversight. **SEN. TESTER** inquired if there are penalties for motel owners or landlords who rent their house out knowing there has been a meth lab in that facility. **Mr. Thamke** advised there are no enforcement provisions or penalties associated with this legislation. **SEN. TESTER** wanted to know if there are penalties in the code for people who have a meth lab on their property and rent it out to somebody else without cleanup. **REP. HARRIS** advised there would be both civil liability and potential criminal liability. Civil liability would occur with the negligent exposure to a hotel guest. The criminal endangerment provision of the Montana Code would apply. **SEN. TESTER** observed those remedies are through the courts exclusively. This is partly due to having no standards. **REP. HARRIS** responded that is the main problem they are trying to address. This bill is not a solution to every meth problem or every meth cleanup problem that may exist. This is an important first step to get the standards and the contractor certification in place, and to get the oversight. **SEN. TESTER** said if someone rents out a house to someone else, unless they pursue it through legal avenues the state plays no role in determining whether there has been a crime committed. **REP. HARRIS** answered, that is correct.

SEN. JOHN ESP inquired expressed concern that the reasonable standards have some scientific basis on which they are developed. He asked **Mr. Thamke** if he was aware of studies that point to long-term negative health effects or studies that show when something is clean or not. **Mr. Thamke** said that is a valid question. They would adopt the standards of Washington and Oregon as is Utah and other states. It seems to be a workable standard. The only study he was aware of was the National Jewish Research Center in Colorado working closely with the Colorado Department of Public Health. That study found what type of chemicals are emitted, what the potential exposures are for first responders, and what the impregnation is into the structures. That study found there were seriously elevated levels of contaminants that could be adverse to human health. **SEN. ESP** added his concern was with unnecessary lawsuits that might spring up because of standards that are not developed in accordance with some scientific background. He asked what the rules would be

developed for. **Mr. Thamke** advised the rules would try to find the happy medium that meets the needs of both the regulating community and those doing the work. He did not want to be overzealous in creating situations that would be untenable for property owners, but at the same time it would be a goal to be protective of human health and the environment. They would meet with stakeholders during the rulemaking effort which would be overseen by the Board of Environmental Review. That is their legislative oversight council, and their rule writing would have to go through the board for public comment and review. His goal would be to make it palatable to all those who are involved. **SEN. ESP** asked if he anticipates the bulk of those rules would involve how to clean something up safely or if it would involve the standard. **Mr. Thamke** imagined it would be the standard. **SEN. ESP** wondered about the baseline assessment being done by the contractor. He wondered if a landlord wanted it why it could not be the department doing an independent look. He saw an opportunity for fraud with the contractors doing both the baseline assessment and cleanup. **Mr. Thamke** advised in the state of Montana they have a good relationship with those doing the work. Because they now have rulemaking authority to prescribe what sort of documentation is necessary by both the contractor and homeowner, he thought the homeowner's protection was the government oversight of the contractor's work. **SEN. ESP** hoped the department could do at least some initial assessment. **Mr. Thamke** said that depends on their budget.

SEN. WEINBERG recalled the discussion on the Senate floor where there was a question about why a motel owner does not clean it up themselves. He asked if, hypothetically, somebody could meet the required standards themselves. **Mr. Thamke** acknowledged there would be property owners that would not want to hire contractors to do something they felt they could do themselves. The intent of the legislation is that the properties are put on a website that the department will administer. The only way to get it off the website is to demonstrate that either they have hired a contractor to do the remedial work or the contractor says they have met the standard without having to go through the remedial work. The degree of impact will depend on how long a lab was in operation and what kind of volume they were producing in addition to what kind of chemicals were used. He spoke to many people who had the notations on their property deed with a transient cooking activity involved. He did not want those people to have expenses. They might work to clarify this with **REP. HARRIS** and the stakeholders. A property owner could try to do cleanup work on their own, but will still have to get a contractor to come in and perform the sampling that says they meet the standard. **SEN. WEINBERG** inquired if there is any danger in a motel owner hiring someone who desperately needs work and sending him in to clean up

the mess before DEQ gets involved with their sampling. They might take advantage of a laborer to minimize the level of contamination before the state gets involved. **Mr. Thamke** agreed there are those individuals that would probably take advantage of any person, place, or thing to benefit their own pocketbooks. The scenario **SEN. WEINBERG** proposed is likely and possible. **SEN. WEINBERG** wondered if there was any way to put a penalty in the rulemaking for the person who puts an employee at risk in that manner. **Mr. Thamke** advised they do not have the authority to do penalty assessment or write that into a rule. That would have to be statutory.

SEN. HAWKS inquired about the significance of the outside risk to the state and the health departments in being involved without the immunity clause. **Mr. Thamke** advised the basic constitutional sovereignty that exists for the state of Montana would apply to the rulemaking that DEQ engages in. Unless that was arbitrary and capricious, sovereignty would kick in. The Senate amendments removed the immunity for the individual employees of local public health authorities, DEQ, etc. They would be personally liable, and the state of Montana would be liable if negligence can be proven.

SEN. SCHMIDT asked **REP. HARRIS** to address the testimony of Dr. Spence in the subcommittee. **Mr. Thamke** advised the testimony of Dr. Spence before the Environmental Quality Council was that he reviewed the literature and could not find any literature that indicated there were adverse health affects from exposure to methamphetamine or its precursors. Since then there has been a study on three major chemicals as well as meth residue itself that indicates there is a major adverse health risk associated with meth labs.

Closing by Sponsor:

REP. HARRIS clarified the immunity provisions that were in the bill following the Senate amendments make it clear that both notice to the subsequent owner or renter is necessary in addition to the certified cleanup before the immunity kicks in. Regarding the concern about an unsuspecting worker, if an amendment is necessary there is still time, and he would be willing to discuss the possibility.

Recess 10:36
Reconvene 10:45

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 10
DATE 4-11-05
BILL NO. HB 66

Chemical Exposures Associated with Clandestine Methamphetamine Laboratories

By

John W. Martyny, Ph.D., CIH
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Shawn L. Arbuckle
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Nicola Erb
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- How do the symptoms observed in children present at clandestine drug laboratories relate to the chemical exposures within the laboratory?

- Based on the potential exposures at clandestine drug laboratory seizures, what personal protective equipment should be worn and during what phases should it be worn?

- Based upon the potential exposures at the laboratory sites, what components should the medical screening program for responding personnel contain?

Although not all of these questions have been completely answered by this report, we do have a significant start on answering many of the questions. We have obtained valuable information on the types and magnitude of chemical exposures associated with cooks involving the red phosphorous method of methamphetamine manufacturing. We have also begun to determine how widespread the contamination during these cooks can become and how it may effect the persons conducting the cook, bystanders (including children and spouses) in the same building, and law enforcement personnel responding to the clandestine laboratory. Based on the information that has been gained from this project, we can shed light on a number of areas such as chemical exposures, expected symptoms, suggested personal protective equipment, and concerns regarding children exposed to these environments.

Chemical Exposures Associated with Clandestine Methamphetamine Laboratories:

Based on our sampling results, the chemical exposures of greatest concern produced during the manufacture of methamphetamine (especially using the red phosphorous method) consist of phosphine, iodine, hydrogen chloride, solvents, and the drug or its precursors. During the cooking phase, exposure levels of all of these compounds may meet or exceed current occupational exposure guidelines. This is especially true of exposures to phosphine, iodine, and hydrogen chloride. Each of these compounds may exceed the occupational exposure guidelines as set by the Occupational Safety and Health Administration (OSHA) and by the American Conference of Governmental Industrial Hygienists (ACGIH).

Phosphine:

During our sampling efforts at the Colorado Springs Police Department and at our own controlled cook, phosphine was generated during the red phosphorous methamphetamine cooks. Phosphine was produced at levels ranging from less than 0.17 mg/m^3 to 4.84 mg/m^3 during the cooking phase of the process. It was produced on all occasions during the cook and not just during an overheating event, as has been suggested in the past. No detectable levels (<0.17 mg/m^3) of phosphine were produced during the hotel cook suggesting that phosphine may be contained by sealing the cooking vessel and providing more water in the cook. The current ACGIH TLV for phosphine is 0.42 mg/m^3 on an

eight-hour time weighted basis with a STEL of 1.4 mg/m^3. The highest level observed was four times the STEL, suggesting that overexposure to phosphine is highly likely.

Phosphine is a severe pulmonary irritant that may cause dyspnea, headache, paresthesia, diplopia, tremor, jaundice, and pulmonary edema. Death from exposure to phosphine has occurred to persons exposed as it was being used as an insecticide.[4] Fatalities thought to be due to phosphine exposure were also linked to a methamphetamine laboratory in Los Angeles, CA where three persons were found dead in a motel room.[5] A laboratory investigator was also reported by Burgess[6] to have developed dizziness, dry cough, headache, and diarrhea, with a delayed onset of cough and dyspnea, after investigating a clandestine laboratory. The exposure was measured at 2.7 ppm phosphine and the duration of exposure was approximately 20 – 30 minutes. These levels are in the same range as the levels measured during our investigation. In workers, phosphine exposure has been shown to cause gastrointestinal, respiratory, and central nervous symptoms at concentrations that are less than 10 ppm.[7]

There are a number of reasons why phosphine intoxication may be more common than reported. Phosphine does have a detectable odor but it may be less readily identified with the presence of the more odorous hydrocarbons present during the cook. In addition, the pulmonary toxicity of phosphine may occur shortly after exposure or it may be delayed for 18 hours or more. These factors may result in fewer reported symptoms, although pulmonary irritation is a common complaint after a clandestine laboratory investigation.

Children and adults that are especially susceptible to pulmonary problems, such as asthmatics, individuals with chronic obstructive pulmonary disease, emphysema, etc, may show significantly greater effects to exposure levels of phosphine that are well below the concentrations allowed in the occupational environment. Unfortunately, at this time, there are no published data regarding acceptable levels of exposure for the general population to phosphine. The effects to these sensitive individuals are, therefore, not known at this time.

Iodine:

Airborne iodine concentrations during the Colorado Springs Police Department cooks were found to be very high, ranging from 2.3 to 37 mg/m^3. The levels produced during the controlled cooks ranged from 0.07 mg/m^3 to 1.6 mg/m^3. These levels are close to or exceeding the current ACGIH Ceiling TLV of 1.0 mg/m^3. The release of iodine during the red phosphorous cook becomes very obvious when the dark brown effluent is observed. In addition, the walls in many of the cook areas appear to have a brownish yellow stain that is reactive with spray starch forming a dark blue color indicating the presence of iodine.

Airborne iodine is a very heavy halogen vapor that is considered to be more irritating and corrosive than bromine or chlorine gases. In animal studies, iodine vapor has been found to be intensely irritating to mucous membranes, causing damage in both the upper and lower portions of the respiratory tract. Iodine vapors can be an intense irritant to the

eyes, mucous membranes and skin. It has a steep effects curve in that concentrations of 1 mg/m^3 may cause very little effect while levels of 3 mg/m^3 cause severe irritation.[8]

Although there have been no documented cases of over-exposure to iodine vapor in clandestine methamphetamine laboratories reported in the literature, iodine would be a plausible cause of mucous membrane and eye irritation reported at many of these investigations. Iodine may persist for some time in the walls, carpeting, draperies, etc. present in many of these clandestine laboratories. The fact that it is commonly observed on the walls, even after months of no cooking, suggests that it can be very persistent.

The fact that the iodine is persistent in the environment of the cook is very important to the children that are present in the clandestine laboratories as well as children who inadvertently become residents in a building previously used as a methamphetamine laboratory. Children crawling on contaminated carpeting may pick up high levels of iodine. In addition, based on an evaluation by the Colorado Department of Public Health and Environment, the population-based exposure concentration should be less than 0.001 mg/m^3, three orders of magnitude below the occupational exposure level.[9]

Hydrogen Chloride:

Hydrogen chloride levels were measured during all methamphetamine cooks, including periods where hydrogen chloride was not expected. The levels ranged from less than detectable to a time-weighted average of 14.6 mg/m^3. Peak levels measured during the controlled cook ranged as high as 56.2 mg/m^3. The most recent change to the current ACGIH TLV for hydrogen chloride was proposed in 2003 and is a ceiling value of 3.0 mg/m^3, much lower than the levels that have been found during the controlled cooks that we have conducted. In fact, the Immediately Dangerous to Life and Health (IDLH) level for hydrogen chloride is 74.5 mg/m^3 which is being approached by the levels generated during the salting-out phase conducted during the controlled cooks.[10]

Exposure to high levels of hydrogen chloride have been known to cause both acute and chronic effects. One individual exposed during a swimming pool cleaning effort developed severe bronchospasm and asthma. Workers exposed to as little as 15 mg/m^3 of hydrogen chloride experienced work impairment. Hydrogen chloride is a strong irritant of the eyes, mucous membranes, and skin at levels that are well below the levels that we have measured during our controlled cooks. It would seem likely that individuals exposed to the measured concentrations that we have found would have acute symptoms from the exposure.[10]

Young persons and individuals with pulmonary problems may show much greater effects from a hydrogen chloride exposure than would an individual with an occupational exposure. The reference level proposed by the Colorado Department of Public Health and Environment for hydrogen chloride was set at 0.02 mg/m^3, a level that is one hundred times lower that the proposed ACGIH TLV.[9] It is important to realize that this level is likely exceeded during production at all clandestine methamphetamine laboratories.

Methamphetamine Exposures:

Methamphetamine contamination of buildings used to cook methamphetamine was a common finding in all of the labs tested. Even labs that had been busted several months prior to testing still had high contamination levels of methamphetamine present on many surfaces within the building. Samples as high as16,000 ug/sample were found with most samples over 25 ug/100 cm^2.

Although the effects of methamphetamine are well known on individuals using the drug, the effects of low level exposures to emergency personnel or other associated individuals are not as well known. It is known that methamphetamine may cause some teratogenic effects and may change behavior in exposed infants. Prenatal exposure to methamphetamine has been shown to cause an increase in pre-term labor, placental abruption, fetal distress, and postpartum hemorrhage. Infants exposed to methamphetamine are generally smaller, have feeding difficulties, and are described as "very slow". Infants born to mothers that have used methamphetamine during pregnancy may have abnormal sleep patterns, poor feeding, tremors, and hypertionia. In some reports, subtle neurological abnormalities have also been found.[11]

Currently, allowable levels for a residence that has been used as a clandestine laboratory to be re-occupied range from 0.1 ug/ft^2 to 5 ug/ft^2. Most states and local jurisdictions have adopted 0.5 ug/ft^2 or 0.5 ug/100 cm^2. These levels have been set primarily at the limit of detection for the compound since, at this time, no safe level has been established. Since the drug appears to settle out on all porous surfaces in the area in which the cook is conducted, it is difficult to determine the actual dose of individuals working within that atmosphere. It is logical to assume that hand contamination will result in oral ingestion, especially in the case of children, but it may also be possible for the drug to penetrate the skin of adults involved in the investigation. The State of California has recently begun to study the possibility of skin absorption and its role in methamphetamine exposure.

We have also found that police officers handling suspects or children at the scene, for very short periods of time, can become contaminated with methamphetamine. It is possible, therefore, for these individuals to carry this material off of the scene and to their own families. Since there has not been a no-effect level established for this drug at this time, it would seem prudent to minimize exposure to as low as possible.

Suggested Personal Protective Equipment Requirements:

Our study has shown that exposures to a variety of chemical compounds may occur during the investigation of clandestine methamphetamine laboratories. During a cook, the exposures at the lab may approach IDLH levels, which by definition may be extremely dangerous to the lives and health of investigating officers. Recent studies have shown that individuals responding to clandestine methamphetamine laboratory investigations have a good chance of being injured. Of 112 methamphetamine-associated hazardous materials events reported to the Centers for Disease Control, 53% resulted in

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 11
DATE 4-11-05
BILL NO. HB 60

MONTANA 59TH LEGISLATURE
SENATE FINANCE & CLAIMS COMMITTEE

TESTIMONY IN SUPPORT OF HB 60
April 11, 2005

Mr. Chairman and members of the committee, my name is Ed Thamke and I am Chief of DEQ's Waste & Underground Tank Management Bureau. If this legislation were successful, the methamphetamine cleanup program would be administered within the Bureau. I am here to testify in support of HB 60.

The DEQ started receiving complaints and inquiries about pollution associated with meth labs in 1997. DEQ was initially resistant to get involved with the cleanup of meth labs because the environmental laws administered by the Department do not relate to indoor pollution. We regulate sources that may pollute the outdoor environment. The Department does not currently have the authority, standards or expertise to regulate indoor environmental contamination and to understand the potential toxicological impacts to human health.

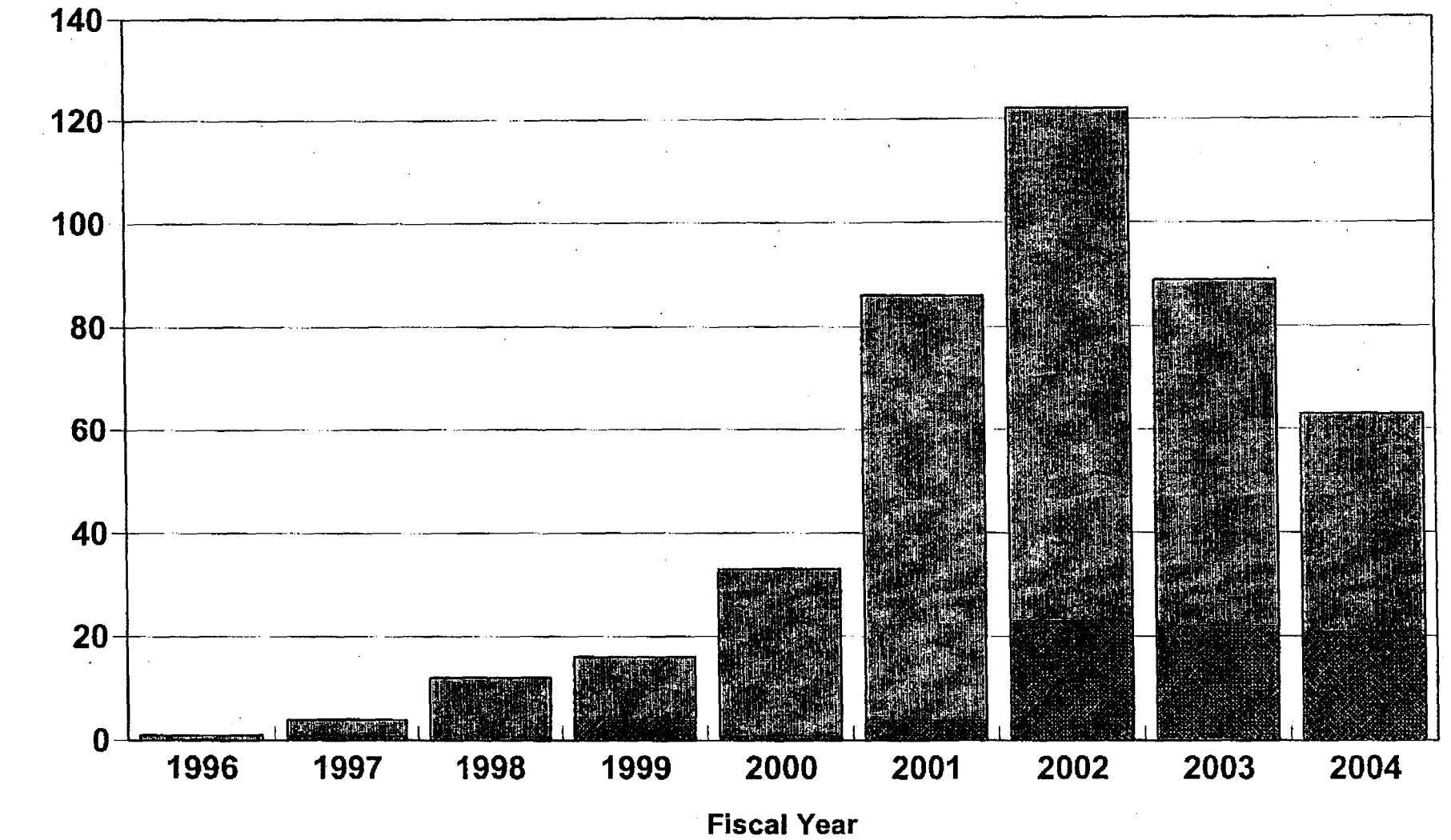
Since 1996 the Montana Department of Justice reports 426 methamphetamine drug lab busts. Seventy-six meth labs were reported to the Department of Environmental Quality during this time frame. Currently, when a meth lab is busted, HazMat teams funded by the federal Drug Enforcement Agency remove and properly dispose of hazardous waste discovered at the drug lab. DEQ's involvement has been limited to sites where chemicals have been dumped into the environment, onto the ground, into a stream, or into a sewage system.

Thankfully there have not been any sites where the outdoor pollution from a meth lab has been significant. However, the owners of the structure are left without any guidance from the state agencies or local health departments on how to deal with the interior of a home or building that may be contaminated with residual chemicals from meth manufacturing.

HB 60 creates and funds a program to address this need. Most importantly, HB 60 establishes a decontamination standard for methamphetamine. HB 60 creates a program within the DEQ to train and certify meth lab cleanup contractors. If HB 60 is passed, DEQ will hire an Occupational Health and Safety Specialist with half-time administrative support to develop a training and certification program; to develop standard methods for the assessment, testing and remediation of contaminated properties; and to pursue grant opportunities to help fund the program. In accordance with HB 60, DEQ will also establish procedures to list and remove sites from the required web-based list of contaminated properties.

Passage of HB 60 will help address the concerns about indoor pollution from meth labs and provide a process for owners to have their property cleaned up. The Department of Environmental Quality supports HB 60 and requests a do-pass vote. Mr. Chairman, that concludes my testimony and I will remain available for questions.

Meth Labs In Montana



	1996	1997	1998	1999	2000	2001	2002	2003	2004
Labs Reported to DEQ	0	1	0	4	1	4	23	22	21
Total Labs Per Fiscal Year	1	4	12	16	33	86	122	89	63

Labs Reported to DEQ Total Labs Per Fiscal Year

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

FINANCE AND CLAIMS

DATE_____ **BILLS BEING HEARD TODAY**_____

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Jess Grennan	360-6043	MT ASUM	577	X	
Jenny Daniel	542-8629	MCDSV	577	X	
Joan Miles	457-8910	Health Depts - Local	60	X	
DAN ANTONIETTI	4432592	SELF	327	X	
Kat Chulena		MCDSV	577 HB	X	
Joe MAZUREK	457-2000	City of Gt Falls	531	X	
Charlie Briggs	449.4075	Disability Services	438	X	
MATTHEW DILLON	444 1967	DOJ	577	X	
MYRLE TOMPKINS	443-4352	MT. ASSOC. FOR THE BLIND	438	X	
ALLEN TOMPKINS	443-4352	MT. ASSOC. FOR THE BLIND	438	X	
Gwen Beyer	728-9402	Parent	438	X	
Carl Schultz	431-2176	MDH	435	X	
Matthew Cochran	431-8740	Self	438	X	
JIM MARKS	549-7047	MT. ASSOC FOR THE BLIND	438	X	
DAN BURKE	549-7047	MT. ASSOC. FOR THE BLIND	438	X	
Bob Runkel	444-4438	OPI	HB438	X	
Shear Cottingham	444-6716	RWRCC	HB745	X	
Faye Bergan	444-6733	RWRCC	HB745	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: By **CHAIRMAN MIKE COONEY**, on April 15, 2005 at 10:00 A.M., in Room 317 Capitol.

ROLL CALL

Members Present:

Sen. Mike Cooney, Chairman (D)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. John Brueggeman (R)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Steven Gallus (D)
Sen. Ken (Kim) Hansen (D)
Sen. Bob Hawks (D)
Sen. Bob Keenan (R)
Sen. Rick Laible (R)
Sen. Lane L. Larson (D)
Sen. Greg Lind (D)
Sen. Don Ryan (D)
Sen. Trudi Schmidt (D)
Sen. Corey Stapleton (R)
Sen. Jon Tester (D)
Sen. Dan Weinberg (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Prudence Gildroy, Committee Secretary
Taryn Purdy, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 526, 4/14/2005
Executive Action: SB 526; SB 60; SB 482; SB 249; SB 761; HB 438; HB 740; HB 713; HB 28

if he was going to carry the bill, and **SEN. COBB** told him, nobody else would. **SEN. KEENAN** noted he made a committee bill request for the drafting of a bill for the interim study of the education issue, which became SB 525. He was not given the opportunity to sponsor that bill; that bill was grabbed by the Senate President and is going through the process. Why he did not know, but he said he understood being in the minority. He understood how this process works, but he thought this committee needed to recognize the steps this bill has taken through the process and the reason that **SEN. COBB** was carrying it.

SEN. COBB said he thought if there was a committee bill that the chairman had to carry the bill. He talked to **CHAIRMAN COONEY** who said that was not correct and that **SEN. COBB** ought to carry this bill and bring it up for discussion. **CHAIRMAN COONEY** did not say whether he was for or against the bill. State government was a lot simpler twenty or thirty years ago. They used to meet over in the House Chambers in the back room, brought the directors in, and that is where they did their House Appropriations process. If they had known federal government would have grown this much, he imagined they would have looked at federal spending in this cap. When this bill gets to the floor, they could take the ballot initiative out and put the pass-through in. Eventually he thought they should take all the pass-throughs out and not count them against the cap and then tighten the cap way down to general fund and state special. There are things in existing law that are not counted against the cap. These are two more things to be added. If someone wants to change something, it can be done on the floor of the Senate. The pass-through to counties is big money.

Vote: Motion carried 12-7 by roll call vote with SEN. BALES, SEN. BARKUS, SEN. BRUEGGEMAN, SEN. KEENAN, SEN. LAIBLE, and SEN. STAPLETON voting no. SEN. ESP voted no by proxy.

EXECUTIVE ACTION ON HB 60

{Tape: 1; Side: B; Approx. Time Counter: 28.3}

CHAIRMAN COONEY said this was **REP. HARRIS'** bill on the meth cleanup. He noted this bill was amended in the Senate Public Health Committee and has a transmittal deadline issue. He spoke with **REP. HARRIS**, and if this bill passes, they will have to suspend the rules in the House to accept it.

Motion: SEN. STEVE GALLUS moved that HB 60 BE CONCURRED IN.

Discussion:

SEN. GALLUS inquired about the exact amendment that was put on in Senate Public Health Committee and its significance to the bill. If it is not a big amendment, there is a possibility of stripping that amendment if it is not necessary. **Ed Thamke, Department of Environmental Quality (DEQ),** said they took out the immunity provision for governmental employees which was new section seven on page four, line 30. They also struck new section nine on page five.

CHAIRMAN COONEY said **REP. HARRIS** will try to move the bill in the House. It passed there by a large number.

SEN. LIABLE said he liked the bill and would like to get this out.

Vote: Motion that HB 60 BE CONCURRED IN carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 482

{Tape: 2; Side: B}

Motion/Vote: SEN. BALES moved that HB 482 BE CONCURRED IN. Motion carried 14-0 by voice vote.

EXECUTIVE ACTION ON HB 249

{Tape: 2; Side: B; Approx. Time Counter: 0.9}

CHAIRMAN COONEY said they previously tried to take action on the bill, but a question was raised about whether or not it needed a three-quarters majority. **Taryn Purdy, Legislative Fiscal Division,** said **Mr. Petesch** was not unclear on this as she previously stated, and this does not require a three-quarter vote.

SEN. LAIBLE stated he was absolutely opposed to this bill. It diverts money out of the permanent fund and creates the Big Sky Economic Development Trust Fund. They already passed two other economic development trust funds. He thought taking money out of that entity which helps bond ratings was a big mistake.

Vote: Motion carried 11-8 by roll call vote with SEN. BALES, SEN. COBB, SEN. HAWKS, SEN. KEENAN, and SEN. LAIBLE, voting no. SEN. BARKUS, SEN. ESP, and SEN. STAPLETON voted no by proxy.

MONTANA STATE SENATE
2005 LEGISLATURE

VISITOR REGISTER

FINANCE AND CLAIMS

DATE 4-11-05 **BILLS BEING HEARD TODAY** HB 288 HB 745 HB 531 HB 428 HB 60 HB 264 HB 327 HB 336 HB 577 HB 438

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
George Carlson	454 6044	McLaughlin Res	HB531	✓	
Dave Crum	454-6009	Mclaughlin Res	HB531	✓	
Nancy O'Brien	452-9471	McLaughlin Research	HB531	✓	
Ethel Tracy	761-1545	McLaughlin Research	HB531	✓	
GLENN W. BLISS	454-1351	McLAUGHLIN RESEARCH	HB531	—	
STEVE GETTEL	771-6000	MSDB	HB438	—	
HAROLD BLATTIE	4-4360	MACO	HB 288	—	
—	—	—	HB60	—	
Jim Kembel	489-6791	MACDL/ MPPA	HB60/577	✓	
Dawn Hayden	443-7794	MCADSV	HB577	✓	
BOB PAVLOVICH	782-4587	SELF	HB327	—	
Mike Waldenberger	761-2557	Central Plumbers	HB531	✓	
LINDA STOLL	431-1368	MT LOCAL HEALTH OFFICERS	HB60	—	
Carol Reagle	222-82	Cabinet Training	HB745	✓	
Nancy Sweeney	447-8215	LEC County Clerk Dist. Court	HB288	✓	
Mary "Marty" Phippen	262-2459	Mt. Assn. Clerks of Dist. Ct	HB288	✓	
Mary Slyton	444-3074	DNRC	H 745	✓	
Tina Hayden	252-3550	DBC/MCADSV	H 577	—	
Ed Bartlett	444-6748	MDEQ	HB60	✓	
CHRIS CHRISTIAENS	868-6406	MHA	HB60	—	
Jim Oppedahl	444-2621	Court Administrator	HB745	✓	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

SENATE STANDING COMMITTEE REPORT

April 15, 2005

Mr. President:

We, your committee on **Finance and Claims** recommend that **House Bill 60** (third reading copy -- blue) **be concurred in.**

Signed: _____
Senator Mike Cooney, Chair

To be carried by Senator Duane Grimes

- END -

Committee Vote:
Yes 14, No 0.

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2005 Montana Legislature

About Bill -- Links

HOUSE BILL NO. 60
INTRODUCED BY HARRIS

AN ACT ESTABLISHING A DECONTAMINATION STANDARD FOR THE CLEANUP OF INDOOR PROPERTY CONTAMINATED BY THE CLANDESTINE MANUFACTURE OF METHAMPHETAMINE; PROVIDING FOR RULEMAKING AUTHORITY TO CHANGE THE STANDARD OR TO ADOPT SIMILAR STANDARDS FOR PRECURSORS TO METHAMPHETAMINE TO PROTECT HUMAN HEALTH; AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PROVIDE MINIMUM STANDARDS AND REQUIREMENTS FOR CERTIFYING PERSONS TO CONDUCT METHAMPHETAMINE LAB REMEDIATION ACTIVITIES; REQUIRING NOTICE TO SUBSEQUENT OCCUPANTS OF CONTAMINATED INHABITABLE PROPERTY UNDER CERTAIN CONDITIONS; PROVIDING REPORTING REQUIREMENTS; AND PROVIDING CIVIL IMMUNITY FOR A PROPERTY OWNER AND OWNER'S AGENT IN CERTAIN INSTANCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Finding and purpose. The legislature finds that some properties are being contaminated with hazardous chemical residues created by the manufacture of methamphetamine. Innocent members of the public may be harmed when they are unknowingly exposed to these residues if the properties are not decontaminated prior to any subsequent rental, sale, or use of the properties. Remediation of properties has been frustrated by the lack of a decontamination standard. The purpose of [sections 1 through 6] is to protect the public health, safety, and welfare by providing specific cleanup standards and authorizing the department to establish a voluntary program that will provide for a property decontamination process that will meet state standards.

Section 2. Definitions. Unless the context requires otherwise, in [sections 1 through 6], the following definitions apply:

(1) "Department" means the department of environmental quality provided for in 2-15-3501.

(2) (a) "Inhabitable property" means any building or structure used as a clandestine methamphetamine drug lab that is intended to be primarily occupied by people, either as a dwelling or a business, including a storage facility, mobile home, or recreational vehicle, that may be sold, leased, or rented for any length of time.

(b) The term does not mean any water system, sewer system, land, or water outside of a building or structure described in subsection (2)(a).

(3) "Surface material" means any porous or nonporous substance common to the interior of a building or structure, including but not limited to ceilings and walls, window coverings, floors and floor coverings, counters, furniture, heating and cooling duct work, and any other surfaces to which inhabitants of the building or structure may be exposed.

Section 3. Decontamination standards -- rulemaking authority -- samples. (1) The decontamination standard for methamphetamine inside inhabitable property is less than or equal to 0.1 micrograms of methamphetamine per 100 square centimeters of surface material unless a different standard is adopted by the department by rule to protect human health. The department may adopt standards by rule for precursors to methamphetamine that are consistent with the standard for methamphetamine.

(2) (a) The department may by rule establish the number and locations of surface material samples to be collected based on the circumstances of the contamination and acceptable testing methods.

(b) In the absence of a rule described in subsection (2)(a), at least three samples must be collected from the surface material most likely to be contaminated at each property.

Section 4. Contractor certification -- department authority. (1) The department is authorized to establish by rule minimum standards for the training and certification of contractors and their employees who are to perform the assessment or remediation of inhabitable property contaminated by methamphetamine residues.

(2) The department may train and test or may approve courses to train and test contractors and their employees in the proper methods of assessing, remediating, and testing inhabitable property contaminated by methamphetamine residues. If the department conducts the training and testing of contractors and their employees, it may adopt rules to provide for the assessment of reasonable fees to cover the state's costs of providing the training and testing.

(3) The department shall establish by rule procedures for the certification of contractors and their employees,

including procedures for the decertification of contractors and their employees for cause. The rules may provide for the assessment of reasonable fees to cover the cost of the contractor certification program.

(4) Any contractor and the contractor's employees certified to perform the remediation of inhabitable property in any other state are approved for certification in Montana unless the department determines that the certification process in the other state is not substantially similar to the minimum certification standards established by the department.

(5) The department shall maintain a list of certified contractors and shall make the list available to local health officials, law enforcement officials, and the public.

Section 5. Occupant notice by owner of inhabitable property -- immunity. (1) An owner of inhabitable property that is known by the owner to have been used as a clandestine methamphetamine drug lab shall notify in writing any subsequent occupant or purchaser of the inhabitable property of that fact if the inhabitable property has not been remediated to the standards established in [section 3] by a contractor who is certified in accordance with [section 4].

(2) An owner or an owner's agent referred to in subsection (1) may provide notice to a subsequent occupant or purchaser that the owner or the owner's agent has submitted:

(a) documentation to the department by a contractor who is certified pursuant to [section 4] that the inhabitable property has been remediated to the standards established in [section 3]; or

(b) documentation by a certified contractor that the property meets the decontamination standards without decontamination.

(3) Notice as required or authorized in this section must occur before agreement to a lease or sale of the inhabitable property.

(4) If the department has confirmed that the decontamination standard provided for in [section 3] has been met and if notice has been given as provided in subsections (2) and (3), the owner and the owner's agent are not liable in any action brought by a person who has been given notice that is based on the presence of methamphetamine in an inhabitable property.

(5) The immunity provided for in subsection (4) does not apply to an owner or an owner's agent who caused the methamphetamine contamination.

Section 6. Reporting requirements. (1) Whenever a state or local law enforcement agency becomes aware that an inhabitable property has been contaminated by its use as a clandestine methamphetamine drug lab, the agency shall report the contamination to the department and to the local health officer.

(2) The department shall maintain a list of inhabitable property that has been reported as contaminated, and the list must be made available to the public through a website except as provided in subsection (3).

(3) Upon confirmation by the department that an inhabitable property has been properly remediated to the standards established in [section 3] or that the inhabitable property meets the decontamination standards without decontamination, the department shall remove the inhabitable property from the list required in subsection (2). The department shall provide written notification to the local health officer and the property owner of record when the documentation shows that the inhabitable property has been properly assessed or remediated.

(4) The department may adopt rules establishing reasonable requirements for the sufficiency of documentation to be provided by a certified contractor.

(5) Notwithstanding any other provision of law, once an inhabitable property has been removed from the list required in subsection (2), a property owner, landlord, or real estate agent is not required to report or otherwise disclose the past contamination.

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified in Title 75, chapter 10.

- END -

Latest Version of HB 60 *(HB0060.ENR)*

Processed for the Web on April 20, 2005 (5:49pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the status of this bill for the bill's primary sponsor.

Status of this Bill | 2005 Legislature | Leg. Branch Home

This bill in WP 5.1 | All versions of all bills (WP 5.1 format)

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